A PLACE IN THE EMPIRE:

NEGOTIATING THE LIFE OF GERTRUDE KENNY

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This thesis contains no material which has been accepted for a degree or diploma by the University or any other institution, except by way of background information and duly acknowledged in the thesis, and to the best of my knowledge and belief, no material previously published or written by another person except where due acknowledgement is made in the text of the thesis.

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ABSTRACT

In the winter of 1879 a riot broke out at the New Norfolk Hospital for the Insane in Tasmania. The focus was an effigy dressed in a frock and cap that was set alight amidst a cacophony of rough music. The figure represented the Matron, Gertrude Kenny. Exploring one woman's biographical trajectory, this thesis will examine the tensions and interrelationships between identity formation and imperial ideals of class, race and gender.

Gertrude Kenny migrated from Britain to Tasmania in 1858, working initially as a parlourmaid to an Anglo-Indian family and then as a nursery governess of a family implicated in the a scandal over Aboriginal remains collected for the Royal College of Surgeons and whose fortunes were tied up with Kenny's own. In 1870 she became a matron, first training neglected and wayward girls for service and then, in 1878, at a hospital for the insane. Here, convalescing after a serious injury, it was rumoured that she was pregnant and she charged the Surgeon-Superintendent with rape. After an enquiry and hearing that found in his favour, Gertrude Kenny was tried for perjury.

My thesis is divided into four parts. The first, Point of Departure, maps out my theoretical territory and includes the search for Gertrude Kenny's native place and her 'placing' in the period prior to her departure from England. In Part Two, 'Marking her Territory', I build on her context, moving from the almost unknown of her origins to the particular households and institutions where she worked. In these chapters, Gertrude Kenny forms her colonial identity in a quest for respectability, authority and independence. In Part Three and Part Four, the pace changes. In A Body on Trial, Gertrude Kenny, having been coaxed from obscurity, enters the text in full force, often in her own voice, and always amidst competing narratives. Her particular female embodiment breaks out from acceptable containment, and she is examined, judged and pilloried. The final chapters examine Gertrude Kenny's strategic deployment of the law, media and patronage, if not for retribution, at least for compensation and the re-establishment of her reputation; and how her desire for place, but refusal to be *placed*, destabilised the political and cultural institutions of a colony struggling with its own identity.

ACKNOWLEDGEMENTS

This thesis is dedicated to my parents Valerie and David Morris who conceived me on the completion of my father's own doctoral dissertation in 1951.

Both Gertrude Kenny and I, as British immigrants to Tasmania, have been part of a process that displaced the indigenous people from this island. The privilege I have enjoyed as a doctoral candidate has its roots in Britain's illegal invasion of the land in 1803. I would like to pay my respects to the Mouheneenner people and thank their descendents for my place here.

Few people are given the opportunity to undertake a PhD and my thanks go to the Department of Philosophy, especially the Gender Studies Unit, at the University of Tasmania for taking me on and providing support, and the Federal government for awarding me a scholarship to underpin my studies.

I have been blessed with two extraordinarily generous and insightful supervisors. Although both have left the University of Tasmania, they have gone out of their way to support me through to the end. Associate Professor Barbara Baird (now Head of the Women's Studies Department at Flinders University) stretched my mind and pushed me to interrogate sources, motives and constructs, especially at the beginning of my undertaking. Dr Margaret Lindley, former Senior Lecturer in the University of Tasmania History Department and now Media Adviser in the Department of Premier and Cabinet, steered me through some very difficult times, knowing exactly the encouragement I needed and when. She perceived the whole of my thesis, understanding both the drama and tragedy of Gertrude Kenny's life, and deftly guided me to thematic tensions while always ensuring an adherence to good historiography. One hundred and thirty years after Gertrude Kenny was interrogated in the Speaker's Room upstairs, she was the invisible – but honoured – guest at the table Margaret and I shared in the Parliamentary Dining Rooms .

Friday lunches with my good friend Dr Kath McLean have now spanned some fifteen years, during which we have supported each other through the production of papers, theses, a book and works of fiction. I may have faltered but she always knew I could do

it. Kath read my thesis in various stages, and I am especially grateful to her for keeping both eyes open for continuity, grammar and typos. She and my dear friend Julia Clark dragged me back from obscurantism, and Julia especially, helped me wrestle outlines from inchoate musings. With Kath, Julia, Annie March, Robyn Mathison, Sue Anderson I discussed Gertrude Kenny as if she were someone we all knew well, a mutual aunt, perhaps. With Dr Sylvia Martin I have shared the joys and agonies of writing biography. Sue Moir and I inspected bricks and mortar. Annie March, my lovely neighbour and friend restored my soul when my head has taken possession. To Annie I owe heartfelt thanks for introducing me to the serenity of Maryknoll where the Presentation Sisters Sarah Hogan and Pat Kingsley provided me with the peace, quiet and solitude to write. Their unconditional support made the completion of my thesis possible.

In the School of Philosophy I want to thank academic staff members: Professor Jeff Malpas, Drs Lucy Tatman, Yvette Blackwood, Marcello Stamm, Richard Corry, Anna Alomes and Dr Leila Toiviainen; and the administration staff: Sandra Kellett, Browyn Peters, Irene Sawford and Sally Laing. I have enjoyed great support and good friendship from fellow post-grads in Gender Studies: Anitra Goriss, Nadia Majouri and Dr Louise North; as well as the collegiality of many others – my room-mates in the *Silencium*, including Drs David Moltow, Graham Wood and Anita Van Riet; and Drs Tessa Saunders, Hannah Jenkins (with whom I had some strange encounters with Gertrude Kenny), Bruce Wilson and Robyne Conway. I mourn the loss of Margaret Reardon and her delicious sense of humour. She died on 19th June 2009 shortly before completion,

My thesis has crossed several disciplines and I have found homes beyond the School of Philosophy, most particularly in the Colonialism and Its Aftermath Research Centre. I would like to especially thank two of the Centre's creators, Professor Lucy Frost for her unswerving support and interest in my work and Associate Professor Hamish Maxwell Stewart for his belief in me as a historian. The Removing the Boundaries interdisciplinary seminar series run by the English Department provided a stimulating forum for presenting papers, exchanging ideas and meeting people with similar interests: Drs Kris Harman, Carol Freeman and Anna Johnston, among others. My thanks too to the staff of the Morris Miller Library, especially the Document Delivery Section who went out of their way to find obscure publications for me, and Bob Broughton, former archivist of the University Archives, who became involved in my search; and the

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During the course of my candidature I have also travelled to Europe and England and am greatly indebted to many people and institutions there. My greatest thanks go to Mary Ellis who put herself wholeheartedly behind my venture, providing me with a place to stay in London for many weeks as well as moral and material support. A Bicentennial Scholarship from Menzies Centre for Australian Studies at Kings College, London and financial assistance from the School of Philosophy enabled me to travel to Britain 2003 where I undertook research in Wales and London. My friend Gill Lewers had me to stay, made preliminary forays into Wales – and later ones, too, when I needed threads followed up. I received generous help from the Powys County Archives Office, Llandrindod Wells, Brecon Museum and the Welsh Borderers Museum in Brecon, the National Library of Wales in Aberystwyth, the Gwent Record Office in Cwmbran and the West Glamorgan Archive Service in Swansea. I was also able to enjoy the cross-fertilisation of ideas at the Interdisciplinary Nineteenth Century Studies conference, 'Nineteenth Century Worlds' at the University of Notre Dame, London; 'The Body' conference at the Institute of Historical Research, London; ' Hystorical Fictions' at the University of Wales in Swansea; the International Federation for Research in Women's History conference at Queen's University, Belfast; and the Women's History Network Conference in Aberdeen.

In 2006 I spent longer in London, revisiting the Royal College of Surgeons Hunterian Museum archives, the Wellcome Library (Dr Lesley Hall), the Women's Library, the British Library, the National Archives and the Institute for Historical Research. I am grateful to all the people who assisted me. My thanks to Professor Margaret Bridges of the English Department at the University of Berne in Switzerland who welcomed me as

a visiting scholar in April of that year and provided me with an office and the collegiality of an academic community.

My visit to Switzerland in 2007 occasioned by the sudden death of my father slowed down my progress. Although nothing could replace our weekly conversations, I am left with the passion for learning, the joy of imagination, and a desire to probe beyond the paradigm, he bequeathed to me. And I strive for his delicious humour, engagement with life and ability to be at peace with himself. In the aftermath of the accident, my siblings stepped into the breach: Rowena (Schwoscht) has given me her unconditional love and support for my project. My brother Michael (Brüedsch) gave me free range of his flat above the restaurant *Im Juli*. I worked from his balcony trying to recapture the threads of my thesis.

There are many people who have kept me ticking over: The wonderful crew at the Lansdowne Café in all its permutations have let me sit at table 3 for hours at a time, writing, editing and proof-reading; Sandra Barber left food parcels on my doorstep; Biddy Searl and Kate Webb gave me lifts to Maryknoll; Trudy Hutcheon made sense of my chaos; Wooffers and Oliver Fearman made valient efforts in my garden; The University's Disability Services stepped in with Dragon when my arm gave up the ghost; Liz Cornock and Steven Thomas reunited my body and mind when I had sat too long, concentrated too hard; with Dr Caroline Evans I walked on Knocklofty and talked about history and with Liese Fearman I walked on Knocklofty and talked about Gertrude.

My thanks to my daughter, Sulekha , whose whole-hearted engagement with the present prevented me from becoming irrevocably lost in the past. She urged me to 'get a life' without realising that was precisely what I was doing, even though it was someone else's.

And last, but definitely not least, my thanks to Gertrude Kenny for lending me her life.

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ABBREVIATIONS

Abbreviations

AOT	Archives Office of Tasmania
ADB	*Australian Dictionary of Biography*
GB.P.HC	Great Britain. Parliament. House of Commons
HTC	*Hobart Town Courier*
HTG	*Hobart Town Gazette*
ILN	*Illustrated London News*
NA	National Archives -formerly Public Records Office (PRO) and Family Records Centre (FRC)
OED	*Oxford English Dictionary*
ODNB	*Oxford Dictionary of National Biography*
NLW	National Library of Wales
PRO	Public Records Office, London. Now the National Archives, Kew.
SLT	State Library of Tasmania
T*HAJ*	Tasmania. *House of Assembly Journals*
T*LC*	Tasmania. *Legislative Council Journals*

PROLOGUE

I am a married woman. I was appointed to the post of Matron at the Hospital at New Norfolk in January 1878. Before obtaining that post I received testimonials to my character from several persons in the Colony. In March 1878 I received an injury from one of the patients in the Hospital. I was attended during my illness by Dr Huston the defendant, who is the Superintendent of the Hospital. He continued to attend me from the time of the accident to the latter end of the year – December. He attended me to the latter end of August regularly and used the Catheter. After that he attended me at intervals. I remember his going to Melbourne in October and his return on the 29th November. At that time my health was very much improved indeed. I remember seeing Dr Huston on the 20th of December between 10 and 11 o'clock in the morning. It might have been a little earlier. I cannot be certain. That was the Friday. On that morning he told me to remain in bed the following day so that he might examine me and report to the Commissioners the progress I had made. At that time I had not resumed my duties as Matron. I had been out occasionally, and done a little writing and light work. On the Saturday morning I remained in bed as Dr Huston had directed me. While I was in bed I saw Dr Huston. He turned the key of the outer or front door and let himself in. That door leads to the passage. My bedroom door is on one side of the passage. He opened the bedroom door and came in. When he first came in he shut the bedroom door immediately. He said first of all good morning and remarked that he was very glad to see me looking so well and so much improved. He also remarked that there was no end of sympathy for me from those who knew me and from those who did not. Dr Huston walked to my bedside the right-hand side and remained standing for a minute or two and remarked that he would examine me thoroughly then as he would be obliged to report to the Commissioners shortly as to the progress I had made and if it would be possible that I would be able to resume my duties as Matron at the beginning of the year. He then put his hand under the bedclothes turned them down with his left hand a little way saying that he would first examine the tumour. He did so with his hand and with both his hands turned the bedclothes down in a moment and got into my bed. During the time he was standing by my bed on the right-hand side I could not see what he was doing with his right hand. I did not know what he was doing. I saw him unbutton his waistcoat. He jumped into my bed very quickly indeed. When he jumped

into the bed he pressed his face close against my face and his tongue was pressed against my teeth. While in that position he lay on top of me. I felt his weight and at the time I felt almost suffocated. I saw then. I had sufficient time to see that his trousers were down and that his person was exposed. I saw that after he was in my bed. I had not noticed that before he got into my bed. Having got on top of me I could see on my left side that his trousers were down and I could see some portion of his person. While in that position lying on top of me he inserted his person into mine. That did not last many minutes I should think. He remained with his person inserted in five, ten minutes I should think – it seemed a long time. I tried to call out but I found it impossible to do so Dr Huston's face being pressed quite close to mine and his tongue seemed to be pressed quite close to my teeth. With both my hands I endeavoured to push him off me but found my strength was not sufficient. When he had finished he got out of my bed and sat on the side of my bed with his person still exposed. His trousers were hanging quite loose, were drawn down. I tried to call out but found it impossible to do so because when sitting on the side of my bed he laid his face close against mine and commenced kissing in a sort of fashion.[1]

[1] R v. Kenny. Solicitor-General's Department, Criminal Prosecution Files. Archives Office of Tasmania (AOT) SGD/13/1/10.

PART ONE

POINT OF DEPARTURE

INTRODUCING MY SUBJECT

I first met Gertrude Kenny in 1998 when I was working on an exhibition, *Living in/Living out*, in an abandoned high security ward of what in her day had been the New Norfolk Hospital for the Insane, some 35 kilometres from Hobart, Tasmania's capital.[1] In my search for contextual background, I read *Troubled Asylum*, a history of the site written by New Norfolk resident, Ralph Gowlland.[2] He had given what he called 'The Kenny Affair' four pages, quoting from archival material which included a report of a riot that had taken place in the Female Division. Although the Kenny affair was outside the timeframe for the exhibition it filled my thoughts during the weeks that the installation was *in situ*, and I spent hours sitting on the steps of C Ward, in the near-deserted landscape of the institution that was now on the eve of closure. The Female Division over which Gertrude Kenny presided had been a quadrangle, accessed via a gateway off the original 1828 barracks. The grid on which the institution had been structured was destroyed in 1965 when a new ward was built on the diagonal – slicing across the footprints of the Female Hospital Ward, Female Refractory Ward and Matron's Cottage. But a few buildings, including the Ladies' Cottage, have been retained – enough to piece together the whole in one's mind.

In early July 1879, having resigned from the Hospital, Gertrude Kenny returned to New Norfolk with a companion, Lucy Grant, to collect her belongings from the Matron's Cottage. The two women packed all afternoon so that they would be ready for the buggy that was picking them up in time to catch the express train back to Hobart. But when the cab driver arrived at the gates at dusk there was such a commotion in the Female Division he was unable to approach for fear of frightening his horse. Nurses, attendants and inmates were crammed together on the veranda of the Female Hospital Ward, egging each other on with rough music: a cacophony of fifes and drums, clashing tin plates and pans, whistling, hooting, jeering and hissing. A male patient came into the courtyard bearing an effigy on a long pole and attached it to a tree near the Matron's

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[1] *Living In/Living Out* reflected on the working lives of people who had been employed at the institution. It was co-curated with photographer, Martin Walch, and sound and installation artist, Poonkhin Khut, under the auspices of the Tasmanian Trades and Labour Council, through its Arts at Work programme, and with the support of the Tasmanian Department of Community and Health Services (Mental Health Services). It was open to the public from 6-19 September 1998 at C Ward, Willow Court, New Norfolk.

[2] Ralph Gowlland, *Troubled Asylum*, New Norfolk: Gowlland, 1981, pp. 68-71.

Cottage. It was clothed in a dress and a white cap. When Gertrude Kenny opened the door to the cab driver, she saw the figure being set alight. She told a subsequent enquiry that she had been in fear of her life.[3]

Dr George Huston, Surgeon-Superintendent of the Hospital, was nursing his neuralgia in the drawing room of his house *Frescati*, situated just outside the institutional walls. It was his daughter who first told him that they were burning Mrs Kenny's effigy. He went outside where he could see the blaze above the walls but he decided against going in. 'I at once thought my presence (under the circumstances) would only increase the excitement and disturbance,' he told an enquiry into the incident.[4] Gertrude Kenny had laid an official charge of rape against Dr George Huston at the Hobart Police Court only a few days before.

The witness statements to the enquiry into the riot were so vivid I could imagine myself a bystander, eyes smarting from the smoke, the acrid smell of burning gaberdine, an ashy texture on my tongue, a rough throat, wheezing perhaps. I visualised the play of light and shadow as the flames lit the faces on the veranda and exposed expressions of fervent anticipation as the dark-clad figure went up in smoke. I could hear the racket of discordant instruments and overexcited hectoring reaching a crescendo. I had few insights into the pent-up frustration, anger, fear, resentment, hostility, retribution or *Schadenfreude* that culminated in the events of that late afternoon. Nor did I have access to Gertrude Kenny's thoughts and emotions as she opened the door of the Matron's Cottage and witnessed both the animosity of the crowd and her own symbolic annihilation. I could only imagine what *I* might have felt as the subject of such violent condemnation.

While my initial response to these events of 1878/9 was visceral and imaginative, and focussed empathetically on Gertrude Kenny's plight, I had little doubt that what happened at the New Norfolk Hospital for the Insane *mattered* in a broader sense. It was a prime example of what Elizabeth Grosz has identified as the 'enormous investment' of ruling-class men in defining the female body. 'What is at stake', she says,

> is the activity and agency, the mobility and social space, accorded to women. Far from being an inert, passive, noncultural and ahistorical term, the body may

[3] Chief Secretary's Department, Correspondence, AOT CSD 10/1/73/1801.
[4] Ibid.

> be seen as the *crucial* term, *the* site of contestation, in a series of economic, political, sexual and intellectual struggles.[5]

The extreme reaction against Gertrude Kenny – in burning her effigy and in her vilification in the press where she was transformed into a generic figure,' the Kenny type', – indicated a volatile space in which the authorisation of voice was contested. Who authorised, who was authorised, what was authorised, and who and what were silenced? Her transgression of licensed speech and behaviour exposed the fragility of colonial identity and reputation in this post-penal imperial outpost – and exacted a high price.

The extensive action, documentation and repercussion generated by Gertrude Kenny's accusation of rape – the effigy burning, two enquiries, two hearings and a Supreme Court trial as direct outcomes, and, arguably, the fall of a government, a Royal Commission and Select Committee, indirect ones – provided ample material from which to build a thesis. But it seemed to me that concentrating on this 'affair' alone – using Gertrude Kenny's crisis as a device for microhistorical analysis – in some way added to the violation.[6] In focussing on the events of 1878-9, although contesting their interpretation, I would still be reinforcing that part of her life that was remembered for its notoriety.

Instead I have opted for a biographical approach, one that explores the circumstances that may have shaped Gertrude Kenny's life and how she came to be the person she was in 1878. A biographical approach also appealed to me because it subverted a genre that in the nineteenth century had played an unprecedented role in the formation of subject positions in Britain and its colonies. The men who shaped the policies and discourse of empire had done so through the re-working of the past; and it was the

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[5] Elizabeth Grosz, *Volatile Bodies: towards a corporeal feminism,* St Leonards: Allen & Unwin, 1994, p. 19. Grosz's ground-breaking work has enabled me to conceptualise the writing of Gertrude Kenny's life in a way that not only allows justice to be done to her experiences but also provides a counterweight to the *lack* of the archive. *Volatile Bodies* has not only been a source of inspiration, it has given me access to a range of tools to rethink the body that would have otherwise remained impossibly beyond the scope of the thesis.

[6] Jill Lepore, considering the differences between the way microhistorians and biographers treat life-writing, suggests that the former value the subject as a device, an exemplar, whose life 'serves as an allegory for broader issues affecting culture as a whole'. 'Historians Who Love Too Much: reflections on microhistory and biography', *Journal of American History*, vol. 88, June 2001, para. 9. http://www.historycooperative.org/cgibin/justtop.cgi?act=justtop&url=http://www.historycooperative.org/journals/jah/88.1/lepore.html , accessed 16 September 2009.

shape of these men, and those they accorded central roles, that defined biography: the worthiness of the biographical subject himself and also what aspects of the subject were to be accentuated.[7] Historical and biographical production, whether imperial or local, expanded and reinforced the totalising effects of those whose bodies through accident of birth provided them with the right to positions of rule.

From the moment of birth, Gertrude Kenny's body, though white, could be identified as not an ideal one. Its most crucial failing was that it was not male. Other inscriptions would follow, criss-crossing this primal failure in a multitude of ways, for categories of difference were a hallmark of the nineteenth-century European imagination, central to the formation of a bourgeois English identity and essential components of the ideology and mechanics of British colonisation. However, the tools for making space for other subjectivities, Grosz writes, are contained within the very framework that constructs the universal subject. If one kind of human body prevails as the ideal, then 'its domination may be undermined through a defiant affirmation of a multiplicity, a field of differences, of other kinds of bodies and subjectivities'. It is precisely in the deployment and subversion of universalising history and biography that the precepts of those genres can be contested.[8]

Locke's liberal concept of the *universal* individual (whose innate humanity would of itself be an entitlement to political enfranchisement and certain freedoms) engendered a politics of difference, because it assumed a *particular* embodiment. The apparent contradiction lay in the slippage, Uday Mehta suggests, between *a priori* assumptions and the theorisation of an uninscribed human self. Overtly excluded from the schema of the universal individual were those who permanently or temporarily were unable to exercise reason, namely 'lunaticks and ideots' and children. Mehta refers to Carole Pateman's point that the absence of any mention of woman in Locke's thesis, was not because the universal individual generically included her, but because it did not. Woman was subsumed within the individual who was man.[9] He was, if you like, a

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[7] See Catherine Hall, 'Men and their Histories: civilizing subjects', *History Workshop Journal*, vol. 54, 2001, pp. 49-56.

[8] Grosz, pp. 9, 18, 23.

[9] Uday S Mehta 'Liberal Strategies of Exclusion', in *Tensions of Empire: colonial cultures in a bourgeois world,* eds. Frederick Cooper & Ann Laura Stoler, Berkeley: University of California Press, pp. 59-86 *passim*. Mehta argues that the slippage becomes palpable if Locke's *Two Treatises on Government* are read in tandem with his *Thoughts Concerning Education* which demonstrates Locke's own cultural inscriptions and his predisposition to envision the

Gestalt whose skin had expanded so that he could absorb her into his identity. This concept, cemented in civil and ecclesiastical law, was reinforced in Victorian domestic ideology.[10]

The contours of the phantasm of the universal subject were shaped by its exclusions. The temporary exclusion of children from the body politic, the incubation period before the reasoning universal individual could emerge and take on full rights and responsibilities, could be argued as pedagogically prudent. There were others whose exclusion had to be argued differently. Were those without property or colonised peoples to be constructed as temporarily infantile, like children, and needing to in some way prove themselves before they could be trusted with responsibility; or were they to be permanently infantilised, like 'lunaticks and ideots'— and women, and so in need of permanent patriarchal authority? [11]

All non-white, non-ruling class and/or non-male bodies in the nineteenth century were subjected to categorisation based on their anatomy. Stature, skull shape, pelvic shape, brain size, head bumps, skin colour and even language were all worked into an index of deviation from the ideal form. Evidence was gleaned from, drawn on, reworked and created to support scientific theories of innate characteristics and/or evolutionary stages that placed human beings in hierarchical order according to body type. Whole disciplines were invented: political science, ethnology, anthropology, gynaecology, psychiatry, and phrenology, to name a few. They created a self-referential schema into which all its findings could be fitted. The 'facts' produced by science were absorbed and disseminated from the pulpit to the music hall; elaborated through the visual arts, parliament, popular press, theatre, novels and poetry. The language of embodied hierarchy became naturalised in the everyday imagination of British subjects in the metropole, its colonies and its dependencies.[12]

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enfranchised self as one whose privileges of birth and refined education uniquely fitted him for the responsibility (pp. 68-70). Reference to Pateman, Mehta, p. 66.

[10] The description of marriage in Genesis as man and woman being of 'one flesh' was used by William Blackstone (whose *Commentaries on the Laws of England* 1765-9 were profoundly influential throughout the nineteenth century and beyond) as the basis for treating man and wife as one person under law. A woman was thereby 'hidden' under the common law doctrine of coverture with no right to sue, sign contracts or make a will in her own right. See Mary Lyndon Stanley, *Feminism Marriage, and the Law in Victorian England, 1850-1895*, Princeton: Princeton University Press, 1989, p. 8.

[11] Mehta, p. 62.

[12] See Nancy Leys Stepan, 'Race, Gender, Science and Citizenship,' in Cultures of Empire: A Reader, ed. Catherine Hall, Manchester: Manchester University Press, 2000, 61-86, *passim.*

The 'ontologising' of woman's anatomy focussed primarily on her womb, the most obviously non-male part of her body, which could be inscribed as the source of the emotional and physical excess that defined her. [13] Her lack of containment, her leakages naturalised her abjection in relation to the ideal . But although a man of any race or class was normalised to the extent that a woman was always to some degree subject to him, the difficulty for a gentleman with this construct of woman was that his lady had to reflect his class position – and whiteness. The upper-class woman had to be one who managed her abjection. Her body was saved from collapse by whalebone scaffolding, and its sensuousness disguised with yards and yards of cloth artfully constructed to provide an ornamentally female form, one that could glide without reference even to feet. Her denied bodily desires could be channelled into the policing of the morals of others; her volatile emotions kept in check through regulated attention to manners; her time spent insuring the needs of the head of the household were met, and in improving and reinforcing the class and racial boundaries that defined the status of the Gestalt to the world beyond.

If the universal subject can contain a wife or even a household in its Gestalt then its contours become vulnerable indeed. It is never pure and is always in process, in mutation. It contains different sexes, different classes and often different races. Its parts are liable to defect or rebel or usurp. Hybridity confuses racial distinctions. Classes mutate and separate and reform: working classes, perishing classes, dangerous classes, lower middle and upper middle classes, professional classes, propertied classes, gentry, petit bourgeois, bourgeois, nouveau riche, parvenu. Each defined by what it is not. These patterns, movements and disturbances not only provide the space within which to probe and contest the universal subject as Grosz has challenged us to do, they also provide one means by which this might be achieved when documentation is scanty.

If the documentation for the events of 1878/79 often seemed overwhelming, their apparent absence for the rest of Gertrude Kenny's life threatened to become a major obstacle in my project to work on a lifespan perspective. Giuliana Bruno, faced with the similar problematic of tracing an elusive life, describes it as 'streetwalking on a ruined map', which she resolves by taking us on 'a series of inferential walks'. One of the central metaphors Bruno employs to describe and advance her project is that of the

[13] Stepan's term. See p. 64.

lacuna, the missing fragment whose absence a philologist will mark with parentheses, or a conservator of antiquities will indicate with a blank, thus allowing the reader to contemplate the nature of a missing text from its placement, or a viewer to contemplate the contours and patterns of a missing shard by studying those that surrounded it. The metalogic of the whole provides the reader/viewer with the means to interpret that which is absent.[14]

The lacuna that is Gertrude Kenny can already be invested with certain attributes: a pulsating heart, blood coursing through *her* veins, a voice. Indeed, at this point the idea of the lacuna already begins to become lost in its fleshing out. The surrounding matter, like the flesh surrounding a wound, begins to knit together, imperfectly perhaps, but moving towards cohesion. The lacuna becomes finely membraned with the inscriptions discussed above that relate to her particular embodiment, and from these we can begin to infer the biographical subject. The being so created is fundamental to Gertrude Kenny's lived life, not only as *she* experienced it, but in its implication for others, including the body politic.

Adding to the density of Grosz's 'web of meanings' in the matter that surrounds and informs and works its way into the lacuna is the *Zeitgeist*, – the culture of time and place. The construction of the universal individual that evolved into the idealised Victorian Englishman, spilled into concepts of nation and empire. Gertrude Kenny was born in the 'heart' of the empire, or so one might have been led to think: the more closely the contours of this heart are examined, the more they dissolve into a mirage of fragmented definitions, linguistic, geographical, and racial. One could hardly wish for clearer boundaries than those provided by an island, but no, Scotland and Wales were not quite English, and Ireland was another island, colonised but not a colony, encompassed by the British Isles, and yet deeply and unsettlingly resistant to inclusion. In its efforts to maintain its English essence, the British Government needed increasingly and constantly to identify the abject within and take steps to exclude it. Political agitators, wilful flouters of the law and those whose poverty drove them to breaking it, were summarily removed from the British Isles and transported to places like Van Diemens Land (that truly abject colony). So too were the unemployed

[14] Giuliana Bruno, *Streetwalking on a Ruined Map: cultural theory and the city films of Elvira Notari*, Princeton: Princeton University Press, 1993, pp. 3, 149-50.

encouraged to leave through migration. The population was pruned of its deadwood, so to speak, to save the health, the status quo, of the tree. [15]

Increasingly, during Gertrude Kenny's life-time, these colonies were no longer clear-cut dumping grounds for the abject, or places which would be abandoned after quick fortunes were made. The assisted migration of people like Gertrude Kenny became a political manoeuvre, settlement a way of securing territorial and cultural legitimacy. Settlements might be imagined as little Britains with British subjects whose abject other were the indigenous peoples of those domains. It was often here, in domestic spaces on these colonial frontiers, that Englishness was at its most contested; here that race, class and gender categories were most threatened with implosion.[16] And so it was frequently the challenges to British imperial identity in the colonies that defined metropolitan policy, not only for a particular colony or even colonies in general, but also for Britain itself (or themselves).[17]

Nor was it only policy that was affected by the colonial experience. The *mode* of administration had to be fundamentally changed to the kind of governmentality that worked coercively to produce subjects who strove for values of Englishness and reproduced them in others. It required an army of subaltern figures like Gertrude Kenny who, while never being accepted into the membership of the ruling classes, that is as true Englishmen, were nonetheless prepared to propagate its values. Rather than direct rule, the technique of such governmentality was the exposure and shaming of the abject, the non-Englishness in particular groups of people and the enticement of

[15] My use of 'British' here relates to a political/institutional entity and England as a geographical entity whereas English and Englishness I use in terms of a hegemonic cultural identity (see e.g Ann Laura Stoler's use of Fichte's 'interior frontiers' and essences of national identity in 'Sexual Affronts and Racial Frontiers: European identities and the cultural politics of exclusion', in *Tensions of Empire: colonial cultures in a bourgeois world,* Berkeley: University of California Press, p. 199). The term 'British' gains a different inflection when viewed from the periphery, not least because the Church of England could not sustain its position as *the* state religion, because the Church of Scotland had an equal claim in the colonies.

[16] Ann Laura Stoler, *Race and the Education of Desire: Foucault's* History of Sexuality *and the colonial order of things,* Durham: Duke University Press, 1995. Stoler's readings of Foucault are inspired. Here she examines the way his theorisation of sexuality can be used and challenged in a colonial setting. She is looking at the Dutch East Indies, but her analysis is valid for the British colonies. See especially pp. 137-8.

[17] See Gavin Kendall, 'Governing at a Distance: the colonisation of Australia', in (ed) Clare O'Farrell, *Foucault: the legacy*, Kelvin Grove: Queensland University Press, 1997, pp. 90-103.

measured hegemonic approval if they purged themselves of their non-English properties and alliances. [18]

Gertrude Kenny's lifespan corresponded roughly to the middle half of the nineteenth century and it embraced the polar opposite sides of the world. She was situated (if that is a term one can apply to one moving, aging entity's relationship with another) in the maelstrom of the 'desiring machine' of British imperial expansion.[19] The particularity of a culture, Antoinette Burton argues, provides 'the givenness of circumstances within which individuals make their choices, their lives, their histories'.[20] The 'givenness' Antoinette Burton identifies is not as fixed as it sounds. Lisa Helps envisions those boundaries of circumstance as spaces of contestation, like those suggested by Grosz. She refers to the law and the state as 'reactions that attempt to plug, block, or bind the desiring lines of flight through which becoming bodies connect'. Drawing on Deleuze's concept of the body as a desiring organ, she argues that the body can be conceived 'as the motor of history'.[21] It is this cage-rattling potential that makes Gertrude Kenny's life such an interesting one. Gender may have been a cultural marker that, like a bad fairy, attended her at birth and, together with class, conspired to curtail her, but she was not one to be daunted. Gertrude Kenny both embraced the opportunities that her racial and imperial markers presented, and raged against the constraints of placement.[22]

Trying to write biography – without succumbing to the delineations of the genre – presents many difficulties, not least of which is the loss of the sense of the 'getting to

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[18] I mean Englishness here to mean values that are in the interests of English ruling-class men. Non-English behaviours or attributes in this context can include white British subjects of either gender who do not subscribe to these values, as well as those whose ethnicity and language renders them 'foreign'.

[19] Robert J C Young, *Colonial Desire: hybridity in theory, culture and race*, London: Routledge, 1995, 169.

[20] Antoinette Burton, 'Thinking beyond the Boundaries: empire, feminism and the domains of history', *Social History*, vol. 26, no. 1. January 2001, pp. 60-71, p. 62.

[21] Lisa Helps, 'Body, Power, Desire: mapping Canadian body history', *Journal of Canadian Studies*, vol. 41, no. 1, 2007, pp. 126-150, 129.

[22] See Valerie Ross, 'Too Close to Home': repressing biography, instituting authority,' in *Contesting the Subject: Essays in the Postmodern Theory and Practice of Biography and Biographical Criticism*, ed. William H Epstein, West Lafayette: Purdue University Press, 1991, pp 135-165. Ross argues that writing the life of the 'prodigious, monstrous, deviant or marginalised subject' can be far more than a reclamatory project; it can be a 'path to the ways in which these 'othered subjects' negotiated, embraced, rejected, created, and transformed the rules and regulations prescribed for them'. pp. 158-9.

know' a person that a hermetic narrative presents. Liz Stanley has demonstrated the persistency of the nineteenth-century *Bildungsroman*-type biography which considers the subject as a unitary and knowable entity with a self-fulfilling trajectory, discovered and recreated by an all-knowing, but undeclared, author.[23] There is a resistance to biographical enterprises that either don't meet these criteria or overtly challenge their validity. Janet Malcolm's analysis of the condemnatory reception of Anne Stevenson's biography of Sylvia Plath, was that it dared 'express doubts about the legitimacy of the biographical enterprise'.[24] Sharon O'Brien quotes one of the negative reviewers of her Willa Cather biography who accused her of not having 'delivered to us the presence of Willa Cather'. 'Ms O'Brien,' O'Brien dryly notes, 'who was writing from a different set of assumptions about theory, gender, biography and the self, never intended to deliver the real Willa Cather to the reader.' She indicates that there was an expectation that a biography would reveal some kind of 'truth' about a subject; that the biographer would 'maintain objectivity', but that it should also read like a novel. If it failed to bring the subject to life, the biographer had not performed the necessary 'miracle of incarnation'.[25] In the 1930s, Virginia Woolf, whose father's life's oeuvre was the massive *National Dictionary of Biography*, recognised the cultural power Victorian biographies wielded by expressing and reinforcing very particular kinds of personhood, of manhood. As well as critiquing the genre she subverted it in her fictional biographies like *Flush* (in which Elizabeth Barrett Browning's life is imagined from the point of view of a dog), and *Orlando* (in which Vita Sackville West transgresses both in terms of temporality and the gendered self).[26]

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[23] Recent scholarship has collected within a theoretical framework captured by the term 'auto/Biography'. Auto/Biography destabilises the premise of this *Bildungsroman* kind of life biography and also posits a reflexive approach that acknowledges the relationship between author and subject and the multiple subjectivites that both embody. See Liz Stanley, *The auto/Biographical I; the theory and practice of feminist auto/biography*, Manchester: Manchester University Press, 1992; Laura Marcus, *Auto/Biographical discourses: criticism, theory, practice,* Manchester: Manchester University Press, 1999; articles published in the journal *Auto/Biography* (est. 1991), and edited collections such as Pauline Polkey, ed. *Women's lives into print; the theory, practice and writing of feminist auto/Biography*, Basingstoke: Palgrave, 1999.

[24] Malcolm, *The Silent Woman: Sylvia Plath and Ted Hughes*, New York: Vintage Books, 1995, pp. 9-10.

[25] Sharon O'Brien, 'Feminist Theory and Literary Biography', in *Contesting the Subject: essays in the postmodern theory and practice of biography,* ed. William H Epstein, West Lafayette: Purdue University Press, 1991, pp. 123-133, pp. 124-5, 129-30.

[26] See Hermione Lee, *Virginia Woolf,* London: Chatto & Windus, 1996. Lee devotes the first chapter of her biography to Virginia Woolf's relationship with the genre.

By way of illustrating the incarnational impossibility of biography, Woolf asks us to imagine how a biographer might interpret our own lives and 'how all that has been most real in them would have slipped through their fingers'.[27] Apart from when she is speaking in her own voice, the Gertrude Kenny who emerges from these pages is a construction – wrought from a pottage of theory, historical context, bare data and interpretation. Even in her own voice, the Gertrude Kenny who emerges is the one fashioned to fit the very particular precepts of legal discourse and Victorian bourgeois ideology. Her inner self cannot be revealed to the rigours of institutional and public scrutiny, but it is under these conditions that her documentary legacy has been formed. Carolyn Steedman, challenging preconceptions about working-class women's experience, structures her book, *Landscape for a Good Woman*, around 'the deep and ambiguous conflict' between people's stories about how they have come to be who they are and the 'official interpretative devices of a culture'.[28] Discussing those whose race sets them outside dominant identity formations, Robert Schor argues that such legal subjects use 'the language of law to produce certain ends'. They are actors 'who follow … the logic of mainstream cultural thinking. To become this legal subject, then, an individual must assume the language of mainstream culture, even if that way of thinking and being runs counter to the person's beliefs, values, and behaviour'. Implicit in Schor's account is not only the necessity but also the impossibility of assuming the language of hegemonic (white, bourgeois, male) culture if your inscribed embodiment is black and/or female.[29]

This uneasy tension between personal experience and dominant culture has a positive value for the biographer because it provides the rare glimpses of humanity that are hidden in dominant, hermetic narratives. Alison Light's biographical work on the servants of Virginia Woolf, revealed often through the relationship and mutual dependence between servant and mistress, not only gives an insight into the lives of these working women, it is also in many ways a far more intimate portrait of the writer than biographies whose main focus is Woolf.[30] Similarly, Gertrude Kenny's life narrative provides a trajectory and viewpoint that traverses and interweaves with those of

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[27] Woolf, 'The New Biography', cited in Marcus, 90.
[28] Carolyn Steedman, *Landscape for a Good Woman: a story of two lives,* London: Virago, 1986, p.6.
[29] Richard Schur, 'Critical Race Theory and the Limits of Auto/Biography: reading Patricia Williams's *The Alchemy of Race and Rights* through/against postcolonial theory', *Biography*, vol. 25, no. 3, 2002, pp. 455-476, p. 457.
[30] Alison Light, *Mrs Woolf and the Servants*, London, Penguin, 2008.

better-known more obvious subjects for biography. It is precisely because she did not belong to the class that she aspired to that her life reveals more than the vulnerabilities of a working woman: it also reveals those of her employers and, indeed, those of the colony and the project of empire.

And Tasmania was a colony with a very particular relationship to the Metropole. It was engaged in two contrary struggles: one to erase the imperial past, and the other to prove itself a worthy member of the empire. First invaded by the British in 1803 and secured as a destination for their convicts, within the first thirty years the colonisers had exiled indigenous Tasmanians offshore. When Gertrude Kenny arrived in Tasmania in 1858, it was in a second stage of denial and re-invention. In a drastic effort to eradicate the notoriety of Van Diemens Land as a penal settlement, the colony had successfully petitioned the Queen to change its name to Tasmania in 1855. This was two years after the last convict ship reached its shores and the colony's rule by a governor and small legislative council had been replaced by a responsible government, instituted on the bicameral system of Westminster. The colony's quest for respectability, its desire to be recognised as a place where Englishmen lived English lives, echoed Gertrude Kenny's desire for a legitimate place in the empire. And the imperilment of one was a threat to the other. Gertrude Kenny's body – as a physical organism *and* cultural object *and* psychic entity *and* intellect *and* prosthetic influence, emerges as a powerful entity .

My strategy for this thesis has been to divide it into four parts. Part One, Point of Departure, includes this introduction, and maps out the theoretical territory on which the work is founded, as well as a broad-stroke socio-historical context. It includes the search for Gertrude Kenny's origins and her 'placing' in the period prior to her departure from England for Tasmania in 1858. Part Two, 'Marking her Territory', concentrates on the 'matter' more immediately around the lacuna; that is, with the limited information I have about Gertrude Kenny's early life, I build an increasingly dense and focussed surrounding, moving from the almost unknown to particular households and workplaces, exploring what Pauline Polkey has called the 'webbed connectedness of lives'.[31] In these chapters, Gertrude Kenny forms her colonial identity in a quest for respectability, authority and independence.

[31] Pauline Polkey, 'Introduction', in Pauline Polkey (ed.) *Women's lives into print: the theory, practice and writing of feminist auto/biography,* Basingstoke: Macmillan, 1999, p. xiii.

In Part Three, A Body on Trial, the pace changes dramatically. The exuberant allegorical figure of Fama, foreshadowed in Chapter Seven (Whose Body?), demonstrates the importance of renown as she broadcasts rumours of good and ill fame. Her presence begs the question of who pulls *her* strings.[32] Gertrude Kenny, having had to be coaxed from obscurity, enters the text in full force, often in her own voice, and always amidst competing narratives. Her particular female embodiment breaks out from acceptable containment, and she is examined, judged and pilloried. In Part Four, Fightback, I examine Gertrude Kenny 's strategic deployment of the law, media and patronage, if not for retribution, at least for compensation and the re-establishment of her reputation. Hélène Cixous, in her play *The Perjured City*, evokes the Furies who, in Aeschylus's *Eumenides,* had been banished into the earth, leaving the future to Athena, 'that male- addicted goddess' and the democratic principles that smothered the kind of justice that was beyond the law. Gertrude Kenny's fightback evokes the energy of the Furies, her subterranean activity, the cracking the surface as she pushes against and ruptures the constraints of the master narrative.[33]

'I am a married woman. I was appointed to the post of Matron at the Hospital at New Norfolk in January 1878. Before obtaining that post I received testimonials to my character from several persons in the Colony …'[34]

[32] See Hans-Joachim Neubauer, *The Rumour: a cultural history*, London: Free Association Books, 1999, pp.55-57.
[33] Bernadette Fort, 'Theatre, History, Ethics: an interview with Hélène Cixous on the Perjured City or the Awakening of the Furies', *New Literary History*, vol. 28, no. 3, 1997, pp. 425-456, passim.
[34] AOT SGD 13/1/10.

CHAPTER ONE

LOOKING FOR ALICE

In the hills of Brecknockshire the Gwyll —a fairy who took the form of an old woman — was said to have called out to lone wanderers, sometimes from up close and sometimes from a great distance so that they never knew quite where the voice was coming from. The Gwyll would appear on the path ahead, but though she never walked fast, she could never be reached; indeed she always seemed further away and those who followed her would find themselves straying from roads they knew well and into dangerous marshes from which they might never return.[1] Somehow it seems fitting that I should be drawn to this mountainous and sparsely populated Welsh county in search of my elusive subject.

From the hints embedded in the documents generated by the events of 1879, I worked back. Mrs Kenny of 1879 was revealed to have been Gertrude Gordon in 1869 and Alice Gordon a decade before. In Tasmania, her earliest record is an entry in the passenger list for the barque *Constance*, a ship chartered to convey single female bounty emigrants from Gravesend to Hobart Town in 1858. The information is skeletal: native place, Brecknockshire; age 20; religion, C of E; marital status, single; able to read and write; occupation, General Servant. [2]

The windy, misty, rugged terrain of Brecknockshire may have been conducive to legend but it was largely resistant to cultivation. For a few months of the year subsistence farmers grazed their sheep on the rough pasture designated common wasteland. During the winter both they and their flocks tried to survive on supplementary crops of turnips and oats. The richer land in the valleys was dotted with the seats of the nobility and gentry whose interests were located within networks of other 'great houses' and estates in England or Scotland. They spent more time out of Wales than in it, but it was they who represented Welsh counties in the British Parliament and it was within the social intercourse of hunting parties, London seasons, Parliamentary backrooms and clubs that ties were forged and strengthened through intermarriage or other mutual

[1] Wirt Sikes, *Welsh Folklore, Fairy Mythology, Legends and Traditions.* Boston: R Rosgood & Co, 1879. 49-51

[2] Registrar-General's Department, Index of Marriages, AOT RGD 37/134; Immigration Board. Descriptive List of Immigrants AOT CB7/12/8, p. 221.

favours. Between them they ensured their own interests were enforced in legislation, maintained control over the administration of justice through the appointment of magistrates, and provided livings to Church of England clergymen of their own choosing. Under them, common land was privatised and the indigenous population punished for any encroachment. These estate owners spoke English.[3]

But Brecknockshire was predominantly a Welsh-speaking county. Its urban bourgeoisie came from within and in the early nineteenth century was already nuanced according to profession, education and to some extent wealth. Many, although educated and trained in England and members of the Anglican Church, were bilingual and culturally vested in the place of their birth, not only their class. Welsh was what was spoken in daily commerce: in doctors' surgeries, in lawyers' offices, in banks and lecture halls. It was the language of shopkeepers and clerks, weavers and shoemakers and servants. It was spoken at the fairs and markets, by big farmers, tenant farmers, shepherds and labourers. Welsh was the language of poets and bards and of dissenting preachers, and it was the language of the newly emerging radical newspapers. [4]

When Alice Gordon was born, the social upheavals that followed the Napoleonic War gave the Welsh a visibility that challenged the notion of a Britain seeking to represent itself as a United Kingdom and the lion heart of a vast empire. It was, ironically, the Welsh Bible, commissioned during the reign of Queen Elizabeth to secure Protestant allegiance to the Crown, and the spur to widespread literacy, that provided the story templates for resistance against authority and injustice in the nineteenth century. [5] Religious revivalism spread with enormous rapidity and 'chapel' became a focus for, and source of, most aspects of social and cultural life.[6] In the villages and towns that had grown along the border country Brecknockshire shared with Monmouthshire and

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[3] David J W Jones, *Rebecca's Children: A Study of rural society, crime, and protest*, Oxford: Clarendon Press, 1989, pp. 8, 70, 90-93; Prys Morgan, 'Engine of Empire: circa 1750 -1898,' in *The Tempus History of Wales 25,000 BC-AD 2000*, ed. Prys Morgan, Stroud: Tempus, 2001, pp. 175-210, 190.

[4] Gwyneth Tyson Roberts, *The Language of the Blue Books: the perfect instrument of empire*, Cardiff: University of Wales Press, 1998, pp. 201.

[5] Gwyneth Roberts, 27. An estimated quarter of a million people were taught to read within twenty years, about half the population of Wales. See Gareth Elwyn Jones, 'Education and Nationhood in Wales: an historical analysis', *Journal of Educational Administration and History*, vol. 38, no. 3, 2006, pp. 263-277, p. 267.

[6] Morgan, 203. Morgan estimates that chapels were being opened at the rate of a fortnight of week or more in the early years of the nineteenth century. By 1851 only 9% of the Welsh population identified as belonging to the Church of England and 87% identified themselves as belonging to one of the nonconformist denominations.

Glamorganshire, where the iron deposits made ironmasters rich in an age of railway expansion and large-scale industrialisation, these views were augmented with concepts of liberty and democracy, influenced by Enlightenment philosophy, revolutionary France and the American Wars of Independence.[7] The Brecon Beacons provided a vast landscape of cover for political gathering. Early in the century like-minded groups would meet in secret in these hills to read and discuss Thomas Paine's *Rights of Man* and *The Age of Reason* and they lived their allegiance to these ideas by hammering nails into the soles of their boots to form the initials 'T P'.[8] A generation later it was the Chartists who were heading for the hills to conduct open meetings and prepare covert protest.

Alice Gordon's birth coincided with the last gasp of an economic boom. Production at the Dowlais ironworks at Merthyr Tydfil doubled in the seven years leading up to 1830. By the end of the 1840s Merthyr's population had reached 50 000, exceeding any other town in Wales, and Dowlais was estimated to be employing the largest workforce in the world. By the time Alice was two years old, the boom was over: iron prices dropped by 300% and furnaces started closing down. Retrenched ironworkers returned to their rural homes only to find them deserted or their families in the throes of bankruptcy. These were times of such acute poverty that people were starved into glazed apathy and too cold to resist exposure and disease. Nor were the old common land rights available to them. Fish, wildlife, timber and peat for fuel were now privatised; even gleaning had become liable to punishment and 'poaching' had become a serious offence against property.[9]

Many of those who had paid Poor Law rates in the past were now having to seek assistance themselves under the Poor Law Amendment Act introduced in 1834.[10] The

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[7] At the newly industrialised village of Brynmawr (population 7366), for instance, there was no Anglican Church in 1841, but there were meeting houses and chapels built by Welsh and English Baptists, Independents, Wesleyans and Primitive Methodists. For details of iron-market expansions see *Lady Charlotte Guest: extracts from her journal, 1838-1852*, ed. Earl of Bessborough, London: John Murray, 1950, p.58.

[8] C. Wilkins, *History of Merthyr Tydfil* (1867) cited by E P Thompson, *The Making of the English Working Class*, Harmondsworth, Middlesex: Penguin Books Ltd, 1968, p. 544.

[9] Jones, *Rebecca's Children,* 143-147; 99-104; D J V Jones,' The Poacher: a study in Victorian crime and protest', *The Historical Journal,* vol. 22, no. .4, 1979, pp. 825-860, *passim.*

[10] John Stewart & Steve King, 'Death in Llantrisant: Henry Williams and the New Poor Law in Wales', *Rural History,* vol. 15, no. 1, 2004, pp. 69-87, pp. 71, 78; Gail Reekie, *Measuring Immorality; social inquiry and the problem of illegitimacy*, Cambridge, Cambridge University Press, 1998, pp. 48-57; J L & Barbara Hammond, *The Bleak Age*, West Drayton: Penguin, 1947, 97. The Hammonds call this initial period of heavy-handed Poor Law management an 'experiment in centralised administration', a trial run for other interventionist government reforms.

new regulations were so harsh that in Wales even its administrators objected to them as an 'an alien, Saxon device'.[11] The multiplication of 'alien Saxon devices' in the 1830s and '40s triggered quite particular Welsh responses. The Welsh had long been reluctant to use the laws of the oppressor against their countrymen, however wronged they might be. There was a resurgence at this time in the rituals of rough justice for social infractions at the local level. The *ceffyl pren*, or wooden horse, was a contraption of two poles and a centrepiece on which the main character or characters would be carried to the house of the target. In some cases of adultery a man representing a priest would lambast the victim with an obscene sermon; at another, where the gender roles in a marriage appeared to have been inverted, the characters would be dressed up as man and wife, – the man with a ladle, the wife with a broomstick. A new twist on these ancient practices began to emerge in the late 1830s, initially in direct response to the multiplying toll gates. Typically, Rebecca, a young man with a blackened face and dressed in women's clothes, would ride up to a toll gate on a white horse. A rehearsed dialogue, usually in English, would ensue with her 'daughters' – also men dressed in frocks and often armed with pistols and pitchforks and other weapons, before the toll gate was destroyed. The Rebecca movement gained momentum, taking on other injustices imposed by the Poor Laws, landlords or people identified as turncoats.[12]

Movements of a different kind had evolved in the south. Most of these were strategic – unionisation, for instance, as a means of arguing for better working conditions – rather than the ritualistic, vigilante protests of Rebecca. Chartism, in particular, was a movement that recognised the links between electoral power and the social and economic conditions of the people. Disaffection with, but not yet alienation from – the government after the failure of the Reform Bill (1832) to introduce universal manhood suffrage, led activists to compose a People's Charter in 1838 which was circulated to the industrial areas of Wales and spread by organised itinerant lecturers or 'missionaries' who called public meetings throughout the principality. By December Chartists were

[11] Stewart & King, p. 71. In neighbouring Camarthenshire the workhouses in Narbeth and Llandovery were burnt to the ground by angry mobs in 1838 before they had been completed. They were the first of many workhouses to be attacked in Wales. Jones, David, 322; *Times* June 22, 1843. Lady Charlotte Guest, whose husband was a Poor Law administrator, wrote in her diary: 'I have hated the effect of these poor laws from the beginning…Their principle is a sound one, but some of the details are too bad for any but slaves'. *Lady Charlotte Guest*, pp. 46-53.
[12] Stanley Jackson Coleman, 'Tales and Tradition of Breconshire', *Treasury of Folklore*, vol. 52, 1956, p. [2]; *Times*, April 19, 1843; David Jones, pp. 266, 247. The Rebecca targets were for the most part in Carmarthenshire, but also at Devynock in mid-west Brecknockshire and at Cefn Llandewi and around Builth in the north.

holding large meetings in the hills along the border county of Brecknockshire, Glamorgan and Monmouth. Parliament's rejection of the Charter in 1839 increased support for the movement throughout the region: one of its leaders, Zephaniah Williams, operating out of the Brecknockshire village of Brynmawr. After confrontations with ironmasters who refused to employ Chartist labour there was an escalation of 'monster' meetings: 40 000 Chartist sympathisers gathered in Dukestown in August and during the following months arms were made secretly at several of the ironworks and stashed in caves in the Brecon Beacons in preparation for an uprising. On 3 November inhabitants of villages and towns from Merthyr onwards fed into a march as it made its way towards Newport. Tensions between peaceable and violent Chartists, appalling weather, the failure of one of the flanks to materialise, and a strong military presence in Newport, stifled the uprising. Within thirty minutes, twenty-two protesters lay dead, 'shot in the act of Rebellion by some person unknown in defence of himself'. Nine were never identified. The Chartist leaders, John Frost, Zephaniah Williams and William Jones, all charged with treason and sentenced to death, had their sentences commuted to transportation. They sailed for Van Diemens Land on 2 February 1840. [13]

The Rebecca-ites faced a similar showdown in Carmarthen, four years after Newport. In June 1843 several thousands of them converged on the town threatening the destruction of the workhouse if their grievances weren't met. They presented a kind of 'charter' demanding:

> the removal of all turnpike gates, the abolition of tithe and rent charge in lieu of tithes, the total alteration of the present Poor Law, towards which they expressed the most bitter hostility, abolition of church rates, and an equitable adjustment of their landlords' rents.[14]

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[13] *Lady Charlotte Guest*, pp. 85-6; 91. Vouchers recording expenses for Coroner's Inquisitions on 'men unknown' shot during the Chartist Uprising, Newport 1839. Gwent Record Office Q/T.V.36 (Coroners, no.3), http://www.gtj.org.uk/en/small/item/GTJ70332/?tx_cncbrowse_pi1%5Bpage%5D=2&cHash=0a0aa59723 ; 'Calendar of the Prisoners for Trial at the Special Commission to be holden at Monmouth on Tuesday, 10December 1839, National Library of Wales, http://www.gtj.org.uk/en/small/item/GTJ02046//page/1/ ; 'Trial of the Chartist Chief, Zephaniah Williams at Monmouth for High Treason', Broadside, Gwent Record Office, D361.F/P.4.123, http://www.gtj.org.uk/en/small/item/GTJ70317/?tx_cncbrowse_pi1%5Bpage%5D=1&cHash=653d12c1e8 all accessed 21 September 2009.

[14] *Times,* 22 June 1843.

The leading Rebecca-ites were captured in this raid and, like the Chartists before them, were transported to Van Diemens Land.[15]

Expelling indigenous political activists beyond the seas was a well-worn practice in Britain, the reasoning being that if leaders were removed, their followers would lose focus and return to obedient subjectivity. But the events in Wales deeply disturbed parliamentarians in London. They were particularly alarmed by the numbers of people who could be assembled without the knowledge of anyone 'in authority'. In part, they viewed this level of organisation with astonishment,[16] but it was the secrecy that most threatened to undermine the hegemonic state. And the successful gathering, however disastrous the ultimate result, was put down to the fact that in Wales people spoke Welsh; working people that is, not the gentry, not the aristocracy.

The British government's response to the subversiveness of Wales was less repression by force than by a process of Anglicisation and the determined annihilation of Welsh language and culture. It was a formula increasingly applied to all British colonies, with social and economic punitive measures taken for non-compliance. The Poor Law Commission of 1834 had paved the way for a series of Commissions whose reports would enumerate, identify and classify actual and potential unruly populations around the British globe. Commissioners would then judge and recommend measures for transforming these populations into useful subjects whose values synchronised with

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[15] Lady Charlotte Guest's husband, a member of the Grand Jury trying the Rebecca-ites at Cardiff in December 1843, found himself travelling with them after they had been sentenced to transportation. She wrote of one, 'This, his convict journey, was the first occasion of his ever going beyond the limits of his own little parish of Llanon. His astonishment at first seeing a ship, or steamer, is said to have been very great, and his perplexities on the Railway at the train moving without horses quite unassuageable. " Steam? " asked he. " What is steam? " Under all this excitement his spirits kept up bravely until he arrived in town and was shown the place of his confinement. "What, in that little narrow hole? Why, it was impossible to live in that!" And his heart seemed at once to be crushed within him and every hope extinguished. Well might the free child of the mountain shudder and sicken at the sight of that cold and narrow cell! But my poor Welsh rebel, with all his faults and all his grievances and all his romance, must not carry me beyond the beaten track of a dull and now uneventful journal.' *Lady Charlotte Guest*, p. 157 ; David Davies (Dai'r Cantwyr) and John Hughes (Jac Ty-isha) left Portsmouth per *London (1)* on 23 March 1844 and arrived at Hobart on 10 July. AOT Convict database.

[16] This point is made by Gwyneth Roberts who cites an 1847 report on the state of elementary education in the mining districts of South Wales: 'The recent outbreak in which the unusual phenomenon had been exhibited of large masses of the working population capable of contriving and keeping secret from the magistrates and everyone in authority until the moment of execution a well-organised plan for a combined attack at midnight upon a populous town.' p. 67.

their own. Each of these inquiries, framed in official, 'objective' language, was designed with a subtext which first drew attention to the gap between the observed object and the ideal subject, and then recommended ways in which these gaps might be bridged. [17] In Wales, a major focus of scrutiny in the wake of the Rebecca Riots, the ideal subject was represented as a person ignorant of Welsh:

> in no part of the country could an organisation be formed, with so little interruption as in a district where the lower orders speak almost universally a language unknown to the educated classes.[18]

Underlying this apparent contradiction – ignorance equalling educated, and knowledge ignorant, lay an ongoing process of validating Englishness by undermining or excluding non-Englishness.[19]

Where better to start the re-culturation than with children?[20] In 1846, when Alice Gordon was eight, Welsh schools came under a major investigation whose results were

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[17] For instance the Select Committee on Aborigines (British Settlements), 1835; Commission of Inquiry into the Condition of the Poorer Classes in Ireland, 1836; Select Committee of the House of Commons on the Working of the Apprenticeship System in the Colonies, 1836; Reports from the Select Committee on Aborigines, 1836/7; Select Committee on Transportation, 1837. For a detailed analysis of the hegemonic construction and function of these reports in a Welsh context see Gwyneth Roberts who has undertaken an extensive study of the use of language in the Education Report – as her title, *The Blue Books: the perfect tool of Empire,* suggests. She also draws attention to C R Bayley's concept of 'tributary patriotism' whereby an ethnic or local loyalty was acceptable provided there was a higher loyalty to the nation state binding the colonised citizens of empire to the mother country (p. 12). Blue Books are British parliamentary documents and reports traditionally covered in a blue folio.

[18] Cited by Gwyneth Roberts, 20. This was a response to the Newport uprising in the London *Morning Chronicle*. Language did not escape the microscopic examination and classification that became the mainstay of racial imperialism. Roberts reveals the way philology in England was established with a commitment to proving a seamless development of English from Anglo Saxon (renamed Old English – still used as an identifier in most etymologies) to its current perfection – the perfection self-evident because of the superiority of English civilisation (pp. 48-51).

[19] This included dismissing the widespread system of Sunday School education organised by Dissenting religions and validating only those underpinned by Anglicanism. Historically, the status of the monarch as the head of the Anglican Church allowed any criticism or rejection of it to be construed as treason. Gwyneth Roberts, pp. 31-33, 169.

[20] Matthew Arnold, Glamorgan Inspector of Schools in 1852, and brother of Thomas Arnold, Inspector of Schools in Tasmania in the same period, reported: 'There can, I think, be no question but that the requirement of the English language in schools be more and more insisted upon by your Lordships as the one main object for which your aid is granted. Whatever encouragement individuals may think it desirable to give to the preservation of the Welsh language on grounds of philological or antiquarian interest, it must always be the desire of a Government to render its dominion as far as possible homogenous, and to break down barriers in the just intercourse between the different parts of them.' Matthew Arnold would later argue for a professorial chair of Celtic at Oxford University, so that the proper study of Welsh could be undertaken by Englishmen whose own language was organised, logical and disciplined, and would provide the moral fibre from which to understand the poetry, emotion and

published the following year in the pernicious *Report into the State of Education in Wales.* Commissioners questioned children in English and assumed expressions of surprise when the 'words in familiar use among ourselves' were not understood. These children also failed in their knowledge of English civilisation. They were unable to reel off English towns and rivers, Kings and Queens, imports and exports, great victories. This absence of the defining attributes of civilisation was summed up by an Assistant Commissioner in his description of one unschooled Brecknockshire boy in whom he saw 'scarcely any difference between him and a rude or rustic Hottentot'.[21]

The publication of the reports caused an outcry in Wales, where both they and the whole process of English espionage and judgement was encapsulated as 'The Treachery of the Blue Books'. They are still considered to have been the trigger for the Welsh nationalist movement.[22] The absence of geographical and political boundaries positioned Wales in a more complicated relationship between the Anglo-British self and its abject than other colonies: it threatened to expose the abject for what it was: a part of self. The Blue Books went far beyond the inspection of schools. They spoke of the evil of the language, the irrationality of the culture, of the backwardness of Wales, but the pronouncement that caused the greatest outrage was that on the immorality of Welsh women: 'EIGHT out of every TEN of the women, above the age of sixteen, [were]

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perceptiveness of Welsh (Gwyneth Roberts, pp. 229-231). Even in the 1970s, this precise historical moment is remembered. The Welsh cultural critic, Raymond Wilson, wrote of his native place: 'Ours had been an area that had been anglicized in the 1840s – the classic moment usually described as when "the mothers stopped teaching their children Welsh." ' (Quoted by Simon Gikandi, *Maps of Englishness: Writing Identity in the Culture of Colonialism*, New York: University of Columbia Press, 1996, p. 42). Williams refers to the punishment in schools of children who spoke Welsh. The notorious 'Welsh Not', named for the words written on a board that was hung round the neck of a child who spoke Welsh, and which could only be taken off if the child wearing it found another child speaking Welsh (the one wearing it at the end of the day was beaten) was adapted and used around the empire.

[21] Gwyneth Roberts, pp. 89; 184. The findings of the Select Committee on Aborigines (British Settlements) brought colonial racial discourses right into the metropole – from there it was redistributed via the press throughout the empire. Colonising experiences with indigenous people (in this instance the Khoesans whom the English called Hottentots), sometimes returned to the metropole as advisable strategies for the unruly working classes at home (Alan Lester, *Imperial Networks: creating identities in nineteenth-century South Africa and Britain*, London: Routledge, 2001, pp. 118, 233 n. 55).

[22] Harri Roberts, investigating the complex impact of the Blue Books on Welsh identity formation, argues for an interpretation of Kristeva's concept of the abject that can be applied to imperial Britain's attempt to create a homogenised, impenetrable national identity through its identification of non-conforming (and in this case often Non-Conformist) bodies, be they individuals or colonies, and their reformation or rejection as deviant or abject. Harri Roberts, 'Embodying Identity: Class, Nation and Corporeality in the 1847 Blue Books Report,' *North American Journal of Welsh Studies*, vol. 3, no. 1, 2003, pp. 1-21, pp. 1-2.

UNCHASTE and INSENSIBLE to female virtue'.[23] This was the climate of the girl-child Alice's schooldays.

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How could I place this particular slithery, blooded infant who, in or around 1838, arrived kicking and screaming into the maelstrom of mid nineteenth-century Brecknockshire? Where *exactly* did she come from? I wanted to walk the lanes of the hamlet, village or town in which she was born. Who was the mother from whose womb she had entered this uncertain world? Who were her siblings? Was she an only child? What was her father's occupation? How did they live? Were they Chapel? Did they tend sheep in the myth-bound highlands? Did they work on an estate of Anglicised landlords? Or did they inhale the polluted air of the industrialised south?

Betsy Cadwaladyr, domestic servant and later Crimean War nurse, began her autobiography by saying that the history of every Welshwoman had to start with a pedigree.[24] But the pedigree of Alice Gordon has proved elusive. She was born in or around the year that the science of statistics was first translated into national public policy. The central registration for births, deaths and marriages was established in 1837; a national census followed four years later. But it was some time before compulsory registration was fully implemented, so it came as no great surprise that I could not find an entry for her at the Public Records Office in London and needed to locate her through the parish records in the county of her birth. The task ahead did not seem too arduous. Brecknockshire had a more settled population than many counties, and certainly a smaller one than most. But it no longer exists as an entity. Brecknockshire, Radnorshire and Monmouth had been incorporated into the conglomerate county of Powys. Brecknockshire's county archive was now held in Radnorshire, at the Edwardian

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[23] Quoted in Jodi Kreider, '"Degraded and Benighted": Gendered Constructions of Wales in the Empire', *North American Journal of Welsh Studies*, vol. 2, no. 1, 2002, pp. 24-35, p. 25. Kreider demonstrates the way women's behaviour and treatment were used as key markers in the measurement of civilisation, and provided justification for imperial intervention if they failed to match bourgeois notions of femininity. She compares gender treatment in British government inquiries into populations in Wales and India.

[24] *Betsy Cadwaladyr: A Balaclava Nurse; an Autobiography of Elizabeth Davis*, ed. Jane Williams, Dinas Powys: Honno Ltd, (1857), 1987, p. 1.

spa resort of Llandrindod Wells — a charming town, but one that had been barely a hamlet when Alice Gordon was born.

In the early days of my search I thanked Providence that my chosen subject had not been named Mary Williams or Jones or Evans or Thomas; that I didn't have to choose from a list of forty-seven babies baptised with identical names and born a few months and miles apart. A Gordon, or any variation of it, would leap from the microfilm. As I came to the last reels, though, I began to realise that Gordon was not just rare, it was absent. There was only one Gertrude and a mere handful of Alices, and certainly none in combination. It seemed to me that an Alice Gordon would have been a foreigner, the child of an incomer in the close-knit communities that made up the rural Brecknockshire reflected in these records.[25]

How and why had she escaped these records? Was it that her mother was not married? In rural areas and among unpropertied women in Wales, pregnancy prior to marriage was not uncommon; 'bundling' was an accepted part of courtship. Until the introduction of the new poor laws, considerable social pressure, augmented if necessary by legal process, was exerted on a man, if he was from the same background, to marry a woman expecting their child or at least provide for them. But this customary sanctioning did not apply to a woman who had been impregnated by a man who was already married and/or from a more privileged social class. Domestic service absorbed almost all young, single, working women, who were often working in isolated places away from any form of support. Their vulnerability to rape and unwanted pregnancy by their masters or male servants was acute, and their access to any form of redress almost non-existent. A failure of the woman to secure marriage or a successful paternity settlement would see her banished from her place of residence and back to her native parish, place of last annual hiring or just beyond the parish boundary in order to ensure that the baby's native place would be someone else's burden. The Poor Law Amendment Act of 1834 introduced even harsher methods. A woman no longer had any rights to maintenance from the father: the full financial burden fell on her in addition to having to care for the child. Moreover, single mothers were targeted as a category

[25] A density map of surnames in 1881 shows the majority of Gordons in northern Scotland and a second mass in south west Scotland and still frequent in north-east England. http://www.nationaltrustnames.org.uk, accessed 22 September 2009.

undeserving of outdoor relief, relegated instead to the punitive union workhouse.[26] The frequency of entries with 'natural child of' or 'illegitimate child of' suggests that there was no barrier to the baptism of children of single women, but if a woman was banished to her home parish for the birth, some infants would not have been born in the same parishes, or even counties, in which they were baptised, especially if the home parish was some distance away. Alice might have been born on the move and never baptised. She might have taken the surname of a man her mother later married, or of a family that took her in.

I speculated about Gordons who emerged from other sources. The 1851 census for Hay, a small town that straddles Wales and England revealed a small Lancashire family of whitesmiths, but their arrival was too recent; the children's birthplaces were all in northern England. George Reid Gordon was more promising. His name appeared on a roll of soldiers who had enlisted with South Welsh Borderers. The regiment has a dedicated museum in Brecon. The first barracks in Wales was established here in 1813 to provide as a force that could deal with industrial unrest on the southern coalfields and by 1834 there was a military presence of about 200 men.[27] The army was on call for disturbances anywhere in South Wales, be they within Brecknockshire borders or as far as Newport which was three or four marches away over difficult terrain. They were

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[26] See Jill Barber 'Stolen Goods': the sexual harassment of female servants in West Wales during the nineteenth century', *Rural History*, vol. 4, no. 2, pp. 123-6. Barber indicates that rural areas in Wales, especially neighbouring Cardiganshire, had the highest rates of illegitimacy in Britain. She also cites an 1845 remark on the high rate of infanticide (pp. 123, 133,n3).The lean years in the 1830s and early '40s exposed younger and younger girls, some under ten, to these conditions as economic circumstances forced them to leave home and enter domestic service (pp. 124-125). Even if a woman was able to bring a charge of rape to court the rate of acquittal for the accused was higher in Wales than anywhere else in the United Kingdom (p. 129). The Poor Law Commissioners condemned the Welsh practice of helping women with illegitimate children, as encouraging instead of punishing them. The identification of the father, they argued, was likely to disgrace innocent men (Poor Law Commissioners' Report, 1834, I.7.27, http://www.econlib.org/library/YPDBooks/Reports/rptPLC.html, accessed 22 September 2009). Lisa Cody examines the way 'the bastard-bearer operated as a morally charged political icon that reflected the conflation of poverty, immorality, and gender' in this period (Lisa Forman Cody, 'The Politics of Illegitimacy in an Age of Reform: women, reproduction, and political economy in England's New Poor Law of 1834', *Journal of Women's History* , vol. 11, no. 4, 2000, pp. 131-156, p. 133). She cites Lord Althorp's defence of the new legislation in the House of Lords in July 1834: 'the present [Old Poor] law raises up a motive in the breast of the woman rather to yield than to resist… Let the woman be deprived of the advantage which she possesses at present – let the disadvantage be placed on her side … and you will effect a great, and a most desirable improvement in the morals and the happiness of the poor' (134).

[27] The army formed the main occupation outside domestic service and farm labour, (Army 199, domestic servants 404, labourers 239) and gave Brecon an ever-changing presence of Scots and Englishmen. *1841 Census of Great Britain,* 'Occupations', http://www.visionofbritain.org.uk/census/table_page.jsp?tab_id=GB1841OCC_M[1]&u_id=10518076&show=DB accessed 22 September, 2009.

summoned in 1831 by the magistrates of Merthyr Tydfil when workers rose in protest and anger against the failure of the Reform Bill and large-scale summary retrenchments by the despotic iron master, William Crawshay. They were called to intervene in 1837 by the Mayor of Cardigan because he felt that the crowd enacting a *ceffyl pren* against him was getting out of control. They were summoned to deal with the Chartists, and on hand again at the height of the Rebecca riots. Regular soldiers were in an invidious position when called to impose order and submission, not against an identifiable foreign enemy, but within their own country and against people of their own class. Jan Morris has likened the use of the military in the Welsh coalfields to military deployment by the British government which would later protect imperial interests elsewhere: cocoa in Ghana, opium in India and gold in South Africa.[28]

What about the families of a soldier? The military was present in every outpost of empire, some more dangerous than others. The South Welsh Borderers were drawn into the Sikh Wars in 1849, losing one sixth of their men at Chilianwalla.[29] In a barracks town or cantonment there would be one or two other wives, children, army schools. Soldiers, though, were dissuaded from marrying and only a small fraction of families were given permission to travel with the troops when they went abroad. And it was a hard life for a woman. She was expected to undertake washing, nursing and cooking not just for her family but the other soldiers, and there was precious little privacy in the barracks. More often, though, families were left behind and, if their marriages had not been approved, not only left behind but left destitute.

When I began to follow up George Gordon's career in the War Office records, I felt as if he were very much the kind of man Alice Gordon might have had as a father – an intelligent man whose class prevented him from reaching his full potential and whose resentment of these restraints placed him in repeated conflict with authority. He had begun his army career in 1832 as a Private and risen through the ranks to Sergeant by 1846. A year later he had been demoted to Private again but reinstated as Corporal within a few months. In 1849 he was tried at Chatham and demoted again. A closer look at the records revealed that his spectacular demotion in 1846/7 was followed by a

[28] Jones 196, 204, 206; Morgan, 192; Jones, *Law*, 521-523; Morris, 403. Morris also cites an applicant for an appointment in the Chief Court in Caernarvonshire recommending his suitability because of his extensive experience with hill tribes on the Western Frontier between India and Afghanistan.

[29] C T Atkinson, *The South Wales Borderers, 24th Foot: 1689-1937*, Cambridge: Cambridge University Press, 1937, p. xxiv. After these losses a permanent camp was set up at Waziribad so that the surviving men could be joined by their families.

transfer. The fifteen previous years had been spent with the *Scottish* Borderers.[30] George Reid Gordon was not with the South Welsh Borderers until ten years after Alice Gordon's birth. Furthermore, Brecon was not 'home' to the South Welsh Borderers until 1873; indeed it was government policy *not* to send troops anywhere they might have formed local alliances that were in conflict with metropolitan intent.[31] Nor were the Scottish Borderers ever one of the regiments stationed at Brecon. George Reid Gordon was not Alice's father.

I was unaware until sometime after I had exhausted the baptismal records and censuses held at the Powys Archives, that not all Brecknockshire parishes had been absorbed in the county amalgamation. Two of these, the industrial villages of Brynmawr and Llanelly, were far more likely to include immigrants; indeed when I tracked down the baptismal records and the census for those areas it was clear that they did.[32] The Llanelly baptismal records included a family of what looked to be Jordans but could also be read as Gordan. Thomas Jordan/Gordan was an engineer, an occupation that was rising in status from trade to profession. Although not yet equal in terms of social standing to doctors or lawyers, engineers were a highly sought after commodity in the iron and coal industries, poached and headhunted by competing entrepreneurs, several making their fortunes accepting lures from America.[33] The absence of her name, not only in the baptismal records but also on the household entry on the 1841 census, critically reduced the likelihood of this being her family. She was more likely to have been the child of one of the thousands of men laid off when the iron market crashed.

In these areas, though, the borderlands were permeable, the villages grown according to the riches found beneath the earth rather than the boundaries that had been imposed on the surface. A resident in one parish might work in another and worship in a third. Furthermore, it was possible for three such parishes to be located in three counties. I extended my search across county borders. Although the permeability may

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[30] National Archives (NA) War Office Files PRO WO97 444.
[31] Pers. Com. Celia Green, Curator, South Welsh Borderers Museum, Brecon. 13, 17 May 2008.
[32] Under the Local Government Act, 1972, Penderyn and Vaynor were absorbed into the districts of Cynon Valley and Merthyr Tydfil in Mid Glamorgan; urban Brynmawr and Llanelly parish (which had been part of the Crickhowell Rural District) were absorbed into Blaenau Gwent. Further changes in 1996 saw Penderyn becoming part of the county borough Rhondda Cynon Taff, and Llanelly part of the Monmouthshire principle area. Records not held at Powys County Archives Office in Llandrindod Wells are held at the Welsh National Archives in Aberystwyth, the Gwent Record Office in Cwmbran and the West Glamorgan Archive Service in Swansea.
[33] See Anne Kelly Knowles, 'Immigrant Trajectories through the Rural-Industrial Transition in Wales and the United States, 1795-1850', *Annals of the Association of American Geographers* vol. 85, no. 2, 1995, pp. 246-266, *passim*.

have been less pronounced, it also held true of Brecknockshire's other boundaries. There were few Gordons anywhere nearby. Might she have been a daughter of 'Mr Gordon', a Scotsman who managed the extensive estates of Abel Gower at Lechryd in neighbouring Camarthanshire? For three days in May 1837, Mr Gordon became the target of a *ceffyl pren* led by a neighing man in disguise who wore his coat turned. The *ceffyl pren* was supported by a 200-strong crowd and was in retaliation for the evidence Mr Gordon had given against a man who had stolen timber from Gower's plantation.[34] Estate managers were in a particularly invidious subaltern position, representing a class to which they could never belong, the means by which the aristocracy and gentry imposed their interests without undergoing any direct confrontation themselves. I could not locate any family for this Mr Gordon.

A quite different possibility offered itself to the south. I toyed, briefly, with the idea that Alice might have been an elder sibling of John Frost Gordon, born in Newport in December 1840, and named in honour of the leader of the Chartist uprising, who was, at the very moment of young John Frost's birth, beginning his sentence in Van Diemens Land.[35]

Her name casts her as an outsider, but Alice Gordon will not be pinned. Somewhere in the diverse and fast-changing human landscape of Brecknockshire, an entity was being formed: one who, whatever her background, would have a profound sense of the kind of embodiment that would find acceptance within English Victorian domestic ideology and, conversely, the kind of embodiment that would cast her irretrievably as abject.[36] In the information she provided to the emigration authorities she may have altered her religion, through conviction or to hide a Non-Conformist or Catholic background, or

[34] Jones, *Rebecca's Children*, p. 197. Estate managers names are almost invariably not Welsh. See Jones, *Poacher, passim.*

[35] PRO Index of Births, September – December, 1840, vol. 26, p. 93.

[36] The attack on Welsh women provoked particularly strong responses from the Welsh middle classes and most Non-Conformists. But both groups, as Harri Roberts suggests, had internalised the values of the Blue Books, over time achieving the very aims of the Inquiry. The 'originating myth of Brad y Llyfrau Gleision concealed its mimetic dependency upon the dominant values and attitudes of the middle-class England that it ostensibly opposed' (p. 2).

have been hiding a marriage from which she wished to escape. But more likely still is that she Anglicised a Welsh name beyond all recognition. [37]

[37] Betsy Cadwaladyr adapted her name to circumstances: 'I was always known in Merioneth as Betsy Pen Rhiw. On coming first to Liverpool, I called myself by my proper name, Elizabeth Cadwaladyr; but on finding that the English people could not pronounce that surname, I afterwards adopted my father's Christian name instead, and signed myself Elizabeth Davis.' *Betsy Cadwaladyr*, p. 18.

CHAPTER TWO

WANTED

Looking at the details contained in the migration records in the light of my utter failure to locate Alice Gordon, all that I can adduce is that what she wanted - or felt she had to have - above all else, was a place on a ship that would take her away from the British Isles and give her a new start somewhere else. Although there was considerable anxiety in Britain about 'excess females',[1] and migration was promoted, the colonies were particular about the kind of women they wanted. There were clear desiderata for recipients of bounty tickets:

> **WANTED**, a few **SINGLE WOMEN**, of good character, accustomed to the duties of domestic servants. To eligible persons (between the ages of 18 and 35) free passages will be given to Hobart Town and Launceston, Tasmania, in the ship Constance to sail on the 5th of May. Apply personally between the hours of 10 and 5, to the Secretary of the Family Colonisation Loan Society, 29 Bucklersbury, London E.C.[2]

If the agent wanted you to be single, Anglican, preferably in your twenties but certainly not over thirty-five, and a respectable, capable, all-round indoor servant, then that was how you presented yourself. The high level of literacy Alice Gordon demonstrated in her later years suggests that her self-declared occupation of 'General Servant', the lowest rung for an adult domestic servant, was a means to an end. [3] Whatever the details she provided to the agents of the Family Colonisation Loan Society, she must have had documentation to back up her self-representation. If she was not who she seemed, she

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[1] It is likely that the debates on gender differences in population in Britain and the colonies were the impetus for the empire-wide terms of reference for the census of 1851. See *Times*, 2 January 1850, and its references to the 'abnormal excess of females in Great Britain, as also their abnormal deficiency in South Australia and New South Wales'.

[2] *Times*, 9, 13, 21, 23 April 1858.

[3] There was plenty of work for servants in England but the 'delicacy' of gentlewomen in straightened circumstances prevented them from becoming domestic servants within a society where they were known. They would rather find subsistence 'among strangers than among neighbours'. Hyde Clarke, proponent of the National Benevolent Emigration Fund for Widows and Orphan Daughters of Gentlemen, Clergymen, Professional Men, Officers, Bankers and Merchants. Cited by A J Hammerton, *Emigrant Gentlewomen: genteel poverty and female emigration 1830-1914*, London: Croom, 1979, 94. For the concept of surplus women and the exclusion of servants from this category see W R Greg, 'Why Are Women Redundant?', *National Review*, vol. 14, April 1862, pp. 434-60.

had either already presented herself persuasively to the several people from whom she required testimonials or, if they knew her circumstances, convinced them to collude with her in a misrepresentation, whether it be from a position of higher moral ground, human empathy for her situation, or a desire to see her somewhere else. [4]

Without insight into any aspect of Alice Gertrude Gordon's life on the British Isles, all I could be sure of was that she had obtained ticket No. 55 for a berth on the female emigrant ship *Constance,* due to depart in May 1858.[5] If Alice Gordon's place of origin remained a mystery, at least her place of departure was beyond doubt. It was Gravesend.

At Gravesend, at least, I would be able to stand on a pier or dock which had extended Alice Gordon's last contact with British soil. I had timed my visit to the town to coincide with the end of my research period in Britain so that I could experience it within my own sense of imminent departure. I travelled from London Bridge with my sister and cousin on what would once have been the South Eastern and Chatham Railway and alighted at the Victorian railway station at Gravesend. Entering the town from inland (its back-door, so to speak), was a perverse way of approaching a place that had been renowned for its riverside activity. The narrow High Street, defined by its nineteenth-century cheek- by -jowl shops, curves downhill towards the water's edge, the true focus of this ship-building, rope-making, iron founding, and shrimp-fishing town. To the majority of mid-nineteenth century Londoners Gravesend was above all one of *the* most popular day-tripping destinations. Visitors, 'absolutely swarms of them on Sundays',

[4] Elizabeth Gaskell, who had organised for a young 'fallen' girl to emigrate to a new life, was urged by Charles Dickens to tell her she must be profoundly silent there, as to her past history and so must those who take her out'. Charles Dickens to Mrs Gaskell, 5 February 1850 (*The Letters of Charles Dickens*, eds Graham Storey, Kathleen Tillotson & Nina Burgess, vol. 6 (1850-1852), Oxford: Clarendon Press, 1988). Roxanne Eberle argues that this experience, and the need for silence about a tarnished past, formed the basis of Gaskell's hugely popular novels *Ruth* and *Mary Barton*. Roxanne Eberle, *Chastity and Transgression in Women's Writing, 1792-1897: interrupting the harlot's progress*, Basingstoke: Palgrave, 2002. See especially the chapter 'Victorian Reclamations? Elizabeth Gaskell's protective fictions', pp.136-167.

[5] It is not clear what she might have paid. Ann Sach, a fellow passenger and bounty emigrant, paid £16 (*pers com*, Christopher Riley, descendant, 14 January 2004). On the other hand the advertisement for the voyage said that free passages would be given. *Times*, 9, 13, 21, 23, April, 1858.

would come ashore off steamers boarded at London Bridge.[6] They came for the tea gardens and the camera obscura on Windmill Hill. They came to Rosherville pleasure gardens, just recently converted from a chalkpit by an eccentric North London entrepreneur. They came for the archery grounds, the gypsy tents and the bathing. But most of all they came for the 'stir' on the river. The Thames, wrote Marius Wilson in 1870, 'while gay and bustling everywhere between London and the sea, is especially gay and bustling at Gravesend'.[7]

The Terrace Pier was closed for refurbishment. We ate chips in a 1960s cafeteria and visited the local museum. An elderly man sitting on a bench outside told me that emigrant passengers had rarely stopped off in the town; they boarded their ships directly from steamers that had brought them from Blackwall.

The morning after the visit to Gravesend I woke myself before dawn so that I could fit in a visit to Blackwall before travelling to the airport. The London to Blackwall Line was, in 1834, the first of a plague of railways that would devour their way through and under the city, taking out whole streets of buildings in their wake. Blackwall was home to what had originally been the East India Company docks. Here, before the awkward Isle of Dogs bend in the Thames, the largest sailing ships were unloaded with the spoils of empire: mahogany, ivory, teak, feathers, indigo, cigars, sugar, rum and tea. A train as early as the one I was catching would have been a 'jangling dirty workman's train', as London observer, H V Morton, described it, – one 'that reeked of smoke and manly conversation', though many men would not have afforded the fare, nor known until they had reached the yard gates at 6am, whether they would be hired for the day. Later trains would have provided second-class carriages suitable for clerks – and respectable female emigrants. Their route would take them over and through and alongside the densely populated Shadwell, Limehouse and Poplar; the carriage a shell of protection from the dangerous, vibrant multiculturalism that provided gentleman observers with vicarious thrills – but any interest on the part of these young women would have been perceived as indelicate. There is no doubt that this was a route that single female emigrants took. William Makepeace Thackeray observed a group waiting for the train at

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[6] Wilson *Imperial Gazetteer*, 'Gravesend', http://www.visionofbritain.org.uk/descriptions/entry_page.jsp?text_id=780130&word=NULL, accessed 22 September 2009.

[7] Ibid; Karl Baedeker, *London and Its Environs: handbook for travellers*, Leipzig: Karl Baedeker, 1905, pp. 159, 454; Harold Clunn, *The Face of London*, London: Spring Books, (1937) 1957, p. 555.

Fenchurch Street; Charles Dickens observed another alight from the train at Blackwall, a station squeezed between the East India Docks and the pier, and travelled with them to Gravesend. [8]

Single female emigrants like Alice Gordon were of particular interest to social observers, to gentlemen. A frisson agitated this space – this moment – of departure. The exodus of thousands of young women indicated the signal failure of a domestic ideology that underpinned the self-image of patriarchal Englishness and imperial leadership. England was Home and woman's place was in it. Penetrating the wilderness, colonising, was a masculine endeavour. [9] For Thackeray and Dickens the phenomenon had to be observed and reworked to provide a resolution that would retain the ideology intact; in essence this exodus had to appear both natural and in the best interests of the departing emigrants.[10] Both men write to an audience assumed to be mirror images of themselves. Charles Dickens invites '*you* reader, as a shadow' to first watch from the porch of the Blackwall railway station, as emigrant women gather to catch the steamer, and to then accompany him, and them, down river to the *Euphrates* at anchor off Gravesend. Thackeray, writing for *Punch, or the London Charivari*, reveals an ambivalence that also pervades his fiction: 'You and I, let us suppose…, are civilised persons. We have been decently educated: and live decently every day, and wear tolerable clothes: and love the arts and graces of life…There is no girl here to tempt you

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[8] The docks: *Dickens's Dictionary of London: An Unconventional Handbook*, London: Charles Dickens, 1879, pp. 21, 84. Clunn gives some idea of the extent of shipping commerce in the nineteenth century: 'In 1831 the average number of British ships and vessels in the Thames and the docks was estimated at 13,444. At that time it was stated that the East India company's ships alone carried more cargo than all the vessels of London combined had done a hundred years previously' (p. 297). Baedeker called the Port of London the 'Port from which the commerce of England radiates all over the globe' (pp.171-172). George Lichtheim indicates that India financed two fifths of Britain's payment deficits at this time (*Imperialism*, Harmondsworth: Penguin Books, 1971, p. 73). Working men's trains: H V Morton, *H V Morton's London,* London: Methuen, (1925) 1948 pp. 13-15. Baedeker refers to the 'large and motley crowd of labourers, to which numerous dusky personages and foreign costumes in part a curious and picturesque air'(p. 172). *Dickens's* describes Chinese opium dens, ethnically specific pubs and cafes and music halls where 'bankrupt pantomimes' were performed for 'the edification of Quashie and Sambo, whose shining ebony faces stand jovially out, even against the grimy blackness of the walls'(p. 219). Reporters from the *Times* also sometimes accompanied female emigrants: 1, 5 July 1851; 3 August 1852; 26 January 1853.

[9] The 'virgin lands' waiting to be conquered were also often represented as female. See Anne McClintock, *Imperial Leather: race, gender and sexuality in the colonial context*, New York: Routledge, 1995, pp. 21-31.

[10] On migration as narrative resolution see Shannon Russell, 'Recycling the Poor and Fallen: emigration politics and the narrative resolutions of Mary Barton and David Copperfield', in *Imperial Objects: essays on Victorian women's emigration and the un-authorized Imperial experience*, ed. Rita S. Kranidis, New York: Twayne, 1998, 43-63, *passim*.

by her looks… no pretty, modest, rosy-cheeked rustic such as what we call a gentleman might cast his eyes upon without too much derogating.' These women are not *our* responsibility:

> They are not like you, indeed. They have not your tastes and feelings: your education and refinements. They would not understand a hundred things which seem perfectly simple to you. They would shock you a hundred times a day by as many deficiencies of politeness, or by outrages upon the Queen's English – but practices entirely harmless, and yet in your eyes actually worse than crimes – they have large hard hands and clumsy feet. The women you love must have pretty soft fingers that you may hold in yours: must speak the language properly, and at least when you offer her your heart, must return hers with its *h* in the right place, as she whispers that it is yours, or you will have none of it. [11]

Thackeray appears to condemn the class system: ' What I note, what I marvel at, what I acknowledge, what I am ashamed of, what is contrary to Christian morals, manly modesty and honesty, and to the national well-being, is that there should be that immense social distinction between the well-dressed classes (as, if you will permit me, we will call ourselves) and our brethren and sisters in the fustian jackets and pattens'. Thackeray envisages the masculine bushman Australian (a stranger to the millefleur scented handkerchief) as having none of these refined tastes; as unworried about the homeliness of this 'bevy of women' with their frugal clothes and bundles. He writes approvingly of a romanticised egalitarian society without curtseys, bobs and forelock tugging. But it is a society that should be nurtured at a safe distance, as far away as possible, in fact; and not only on the other side of the world but a generation further on. Thackeray, in the meantime, will ground himself safely in the metropole of his present day. The abject will be accommodated elsewhere. [12]

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[11] William Makepeace Thackeray, 'Waiting at the Station', *Punch, or the London Charivari*, vol. 18, 1850, pp. 92-93.

[12] See Rita S. Kranidis for the importance of the construction of an 'Elsewhere' in *Imperial Objects: Essays on Victorian women's emigration and unauthorized imperial experience*, New York: Twayne, 1998, especially Chapter 3, 'Domestic Maps: internal migration, gender, and the sociography of "Elsewhere", pp. 99-131.
The 'Elsewhere' can be constructed as the primitive or earlier here. There is no room for those who are not ready civilised society but there is potential for them in the future; there is a trajectory that can be offered them without unsettling the status quo at home. Both Kranidis and Janet Myers note the destabilising influence of returning migrants; Myers noting that in literary representations their skins were often darkened. Janet Myers, 'Performing the Voyage Out:

Dickens makes no allusion to the structural fault-lines that contributed to the departure of the female emigrants, but rather appeals for benefactors. It was 'not the least manly occupation in which an English gentleman can be engaged, to be the helper of weak girls, who are battling, in an overcrowded city, against the temptations brought on by helpless poverty; to be their helper, not with a purse only, but in person; and, while removing them from danger, to speak human words into their ears.' It is the organism of the city itself, rather than its ruling classes or gender inequity, that is problematic for poor single young women. The Thames itself that day had 'a languid sickly look as if it had just come from swallowing a sewer', and the young women would soon 'lift their feet forever from the soil that has yielded for them too scanty measure of its cheer'. [13]

Even those migrating bodies that were not female, let alone single female, were problematic. They needed to be tied to a unifying discourse or, more accurately, several discourses with the unifying principle that migration was a natural sign of progressiveness. To stay healthy and follow its destiny, a superior race required the territory, the *Lebensraum*, within which to flourish. It was natural. 'In all times and countries', wrote a contributor to the *Illustrated London News* in 1858*,* 'the people most crowded and most advanced have overflowed on those less advanced. Only by sending away some, could others continue to improve'. And it was not only emigration from England, but between colonies; the prohibition of slavery in British colonies and the condemnation of slave traders created a demand for other forms of cheap labour. 'Coolies' from China and Hindustan were 'transmitted' to Mauritius and the West Indies to work on the plantations. 'The half famished and degraded peasant from Ireland and the starving coolie of Bengal and Kwangtung' could improve their lot through migration. According to the contributor, they 'meet on the same work-field, and approximate to the enterprising Anglo-Saxon settler, whether he be tradesman, merchant or landowner.' Always Britain was configured as the centre: 'Our own little country seems

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Victorian female emigration and the class dynamics of displacement,' *Victorian Literature and Culture*, 2001, pp. 129-146, p. 129.

[13] Charles Dickens, 'A Rainy Day on the Euphrates,' *Household Words*, vol. IV, no. 96, 1852, pp. 409-413, pp. 412, 409. Paul Sharrard refers to Dickens writing 'on behalf of the helpless sacrificial victim', but in so doing silencing them so that they are 'kept at a distance, memorialized in safely conventional texts (like tombstones) that *speak for* rather than allow to speak'. Paul Sharrad, 'Speaking the Unspeakable: London, Cambridge and the Carribean', in *De-Scribing Empire: post-colonialism and textuality*, eds. Chris Tiffin & Alan Lawson, London: Routledge, 1994, pp. 201-217, p. 210.

the heart which… gives impulse to all the streams.' In particular it had 'wholly peopled, so far as they are peopled with civilised men, the islands and continent of Australia'.[14]

An England that did not 'give impulse' to all the streams was in danger of becoming stagnant or worse. There was talk of 'sluicing Irish paupers' and 'draining away excess females' and 'natural vents' for overpopulated towns.[15] Workhouses, in particular, were perceived as sucking the nutrients from British soil and threatening to produce contaminants. While it was important that punitive workhouses existed as a warning to the poor against profligacy and laziness, the *Times* opined in an 1857 editorial that its children were so 'stained' by institutionalisation that they developed habits of 'dissimulation and disguise', had no sense of social morality and lapsed into criminality: 'We know that they are an exceptional race, outcasts from the great system of nature and the first institution of Providence, – the family and the home, – exiles from the sacred parental influence, and from the genial association of place and neighbourhood.' These would be ideal emigrants; they had no family ties and so would not have to go through the trial of separation. As always, arguments of Providence and nature were augmented by economic considerations: ' What a pitiable waste of that most valuable of all commercial articles – human labour – and what a gratuitous neglect of the natural opportunity for the liberation of an unfortunate and depressed class, and a restoration of it to its natural place in society!' And besides, Britain had been willing to bear the cost of *convict* transportation, so why not workhouse inmates: 'the colonies would scramble for their services.' All manner of justifications could be given for the imperative of preserving the status quo. [16]

But while England might have wished to 'drain off' unwanted women, migration was less easy to configure as a 'natural vent' for them. Nevertheless, it was migration, almost without exception, that was promoted as the solution to the excess females, female supernumeraries, redundant women who entered the public discourse from the late 1840s onwards. Migration from the British Isles had, by mid-century, reached an

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[14] 'General Emigration', *ILN,* 28 August 1858. The article reveals that on British Government-run ships 17% of workers from Calcutta died in 1857 during 'transmission' to the West Indies.
[15] Russell, p. 46; Greg, Why Are Women Redundant?; *Times*, 24 January 1857. This language precipitated a rumour that one of the main proponents of migration of the poor, Lord Shaftesbury, was recruiting paupers who would be put on ships that were then scuttled. *Ragged School Union Magazine*, December 1849, cited in Alan Watts, 'Dickens and Emigrant Ships: a matter of whitewashing,' *Dickensian*, no. 85, 1989, pp. 167-175, p. 167.
[16] *Times*, January 24, 1857. As Harri Roberts puts it: 'As it must do in strictly corporeal terms, the subject, in order to achieve a collective identity, has to jettison its own cultural “waste,” depositing it on the far side of a border separating self from other.' p. 4.

annual figure of about a third of a million but the exodus was overwhelmingly male.[17] Constructions of gender and domesticity which favoured adventuring men and hearth-tending women had indeed sent men forth and held women back, and it was also these very constructions that made the resultant differences in gender numbers problematic. The hearths that women had remained at Home to tend, were only presumed to exist if there were men to provide them. Just as the new science of statistics allowed populations to be *accounted* for, so too it suggested ways in which a redistribution would balance the books.[18] *Punch*, in its first issue of 1850, presented seven points of view 'on our female supernumeraries'. Like W R Greg who, a decade later, would push for a move to bring 'supply and demand together' by migrating 'redundant' women to the colonies, the 'Commercial View' *Punch* presented indicated an extreme depression in the 'muslin home-market'; balancing this, though, 'colonial trade in this description of goods [was], however, still lively. The possibility of allowing women to have autonomy over their own hearths was not to be countenanced.[19] *Punch*'s 'Alarmist View' was that,

> What used to be our better half will soon become our worst nine tenths; a numerical majority which it will be vain to contend with, and which will reduce our free and glorious constitution to that most degrading of all despotisms, a petticoat government. [20]

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[17] W R Greg, 'Our Colonial Empire, and Our Colonial Policy', *North British Review*, 1853, pp. 345-396, p. 353. In 1849, Her Majesty's Land and Emigration Commissioners gave the figure of 399 498 in 1849, four out of five of whom were Irish. Reported in *ILN*, 6 July 1850.

[18] The cost of the emigration of all 'excess' women was presented by the *Times* as commensurate with $^{1}/_{7}$ of money raised for the Irish famine or ½ of the funds raised for the Wesleyan centenary. 2 January 1850.

[19] W R Greg, 'Why Are Women Redundant?', *National Review*, vol. 14, 1862, pp. 434-460, p. 445; *Punch*, vol. 18, 1850, p. 1. There were very few critics of the idea of surplus women – and emigration as its remedy. The Chartist, George Reynolds was one (see Helen Rogers, '"The Good Are Not Always Powerful nor the Powerful Always Good": the politics of women's needlework in mid-Victorian London,' *Victorian Studies*, vol. 40, no. 4, 1997, pp. 589-623, pp. 609-12). Frances Power Cobbe wrote tongue in cheek of the crime of single female redundancy as being 'on the increase, like poaching in country districts and landlord shooting in Ireland. The mildest punishment, we are told, is to be transportation, to which half a million have just been condemned, and for the terror of future evil doers, it is decreed that no single woman's work ought to be fairly remunerated, nor her position allowed to be entirely respectable, lest she exercise 'a cold philosophic choice' about matrimony. No false charity to criminals! Transportation or starvation to all old maids!' ('What Shall We Do with Our Old Maids?', *Frasers's Magazine*, vol. 66, 1862, pp. 594-610, in *Australia Imagined: views from the British periodical press 1800-1900*, eds. Judith Johnston & Monica Anderson, Perth: University of Western Australia Press, 2005, p. 152.

[20] *Punch*, vol. 18, 1850; George Cruikshank depicted the possible ramifications of this global reterritorialising of women in an 1851 cartoon: 'Probable effects of over female emigration, or importing the fair sex from the Savage Islands in consequence of exporting all our own to

The configuration of the redundant woman, like her sister or *Vorbild*, the angel in the house, was focused almost entirely on the middle classes. She was a constant reproach, a symbol of the vulnerability of the domestic ideal. But, because of her class, whose ideology required that she neither dirty her hands with manual labour nor receive financial remuneration, only a drastic slippage in logic and imagination could posit her as the ideal emigrant working as general servant or becoming a pioneering wife in the outback.[21] In this period, single middle-class women who sought to retain the class attributes they had been acculturated into believing were essential to their retention or attainment of caste, were castigated for their helplessness at the same time as being dissuaded from taking any initiative in England.

Single working-class women for whom there was no injunction against manual work and for whom migration offered a real possibility of social and economic advancement, may have been numerically counted among the redundant women, but they were in high demand in Britain as domestic servants.[22] In fact, even the possibility of emigration appears to have strengthened their position at home. The term 'servantgalism' was coined at this time. The servantgal spoke her mind and had ambitions. She had a sense of entitlement and self-worth. The servantgal was the very antithesis of the impoverished, genteel needlewoman whose emigration was desired. [23]

The obstacle to migration as a solution to this perceived population imbalance, was not construed as the glitch between unplaced gentility and pioneering labour, but the

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Australia!!!!!'. The 'us' is represented by a large crowd of white men on an English wharf and grotesque black women scrambling ashore and standing in line to be picked out. *The Comic Almanack and Diary*, ed. Henry Mayhew, London: David Bogue, 1851.

[21] 'The redundancy is not in the emigrating class' (Greg, 'Why Are Women Redundant?', p. 446).

[22] Greg writes:' the number of women servants in Great Britain, nearly all of whom are necessarily single, is astonishing. In 1851, it reached 905,165, and must now reach at least a million...This is a social phenomenon in all civilised countries, though probably nowhere on so greater scale is with us...[Servants] discharge a most important and indispensable function in social life; they do not follow an obligatorily independent, and therefore for their sex and unnatural, career: – on the contrary, they are attached to others and are connected with other existences, which they embellish, facilitate, and serve. In a word, they fulfil both essentials of woman's being; *they are supported by, and they minister to, men*. We could not possibly do without them. Nature has not provided one too many.' 'Why Are Women Redundant?', pp. 450-451.

[23] In 1853, *Punch* ran a series of cartoons 'Servantgalism; or what's to become of the Missusses?' Typically the cartoons show servants comfortably relaxing in front of their employers' warm fires. In 1. Servant gal: 'I tell you what, Cook, with my Beauty and Figger, I a'int a going to stop in service no longer. I shall be orf to Horsetraylier.' In 7. Housemaid: 'Turn the meat, will you, please, the whilst I finish my crochet?' *Punch*, vol. xxiv, 1853, pp. 96, 160. The *OED* cites these cartoons as the origin of 'servantgal' and 'gal' to J W Orderson's *Creolana: or social and domestic scenes in Barbados in the days of yore*, 1842.

journey, the *process* of effecting the transfer, without 'damaging the goods'.[24] The idea of women travelling alone was so antithetical to notions of femininity, that the very voyage was deemed contaminating. It was by addressing the 'outrages' that were reported on some government emigrant ships, that emigration societies sought to encourage respectable women to make the voyage. And it was to perhaps the best-known of these that Alice Gordon applied.

The Family Colonisation Loan Society was a scheme developed by Caroline Chisholm, whose dual concerns were populating the colonies and ensuring safe voyages. She was appalled by the newspaper reports of how 'orphan after orphan had been victimized on board emigrant ships by men calling themselves Christians; how modest women had been brutalized over and insulted by those whose very peculiar duty it was to protect them.'[25] These incidents, she argued, were indicative of a whole nefarious system. Surely the government should take a paternalist position, and 'hold the affection of the people the same as a parent does of his children … the one [was] a natural guardian of his offspring, the other the deputed one of those who form the commonwealth'. Instead, Her Majesty's Emigration Commissioners tore families apart by creaming off young single migrants who would be immediately useful to the 'squatting interests, or men of capital' in the colonies, whose cause she accused the Commissioners of serving. She regretted that they should have Her Majesty's name attached to them. It would be better if Her Majesty were 'connected in the minds of the peasantry of England, Ireland, Scotland and the Colonies with every feeling that would cherish loyalty'. With the current system infants and small children had to be left with grandparents or distant cousins: 'What wailings at the cottage! What farewells outside the village! … The heart burnings of nature are not extinguished here; the same feeling which a benign Providence, for the wisest of designs, has implanted in the human heart, keeps the flame alive in the distant colonies.'[26]

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[24] Jan Gothard named her book on single female migration *Blue China* from an emigrator's quote: 'Woman, it has been said, is like blue china, very valuable when sound, but very worthless when damaged or broken.' *Blue China : Single Female Migration to Colonial Australia*, Carlton: Melbourne University Press, 2001, p. 17.

[25] Caroline Chisholm, *The ABC of Colonisation* . London: John Ollivier, 1850, pp. 10, 15. In 1850, Lord Mountcashell had raised a question in parliament about reports of the sexual assault and rape of girls from a Dublin workhouse on board the *Indian* headed for Adelaide. *ILN*, 16 February 1850, p. 115.

[26] Chisholm, *ABC*, pp. 4-7.

Chisholm's main purpose was the provision of 'protection and assistance to friendless and orphan females', but she used a broad brush. [27] Her plan was meticulously considered within the broader context of an imperial unity that could be achieved through domestic ideology. Although she had spent many years in India, there was no place in her plan for indigenous labour. Chisholm identified the 'boundless fields for productive labour which benign Providence has placed at the disposal of Great Britain beyond the seas'.[28] This *tabula rasa*, this *terra nullius*, this *potential* place was counterpoised with the deadlock and demoralisation in England:

> We cannot but exclaim, ' What does England mean by keeping this great continent as a sort of preserve' and ask, 'for whom?' Are our poor to contend at home with that gaunt destroyer of our people, famine? Have they no other hope but to end their days in a workhouse or a prison … when there are in the hands of England vast and fair regions unoccupied by man, nature alone being mistress thereof.[29]

The Australian colonies being fields for *productive labour* not only primed them up for working-class occupation but begged the question of whether this group could be trusted to found the 'sister nation'; were we 'with all our religious, moral, social and commercial advantage … rearing rogues or honest men?' In order to ensure the kind of society that preserved Victorian domestic ideology, the same social hierarchies needed to be maintained. Chisholm's answer was, like Wakefield's, to ensure a ratio of different classes: each shipload of '20 guinea' passengers requiring for their 'well-being and prosperity' two other ships of 'common hard-working people', for colonisation 'like an edifice, must be carried on by the due and suitable component parts'.[30] In further identifying these component parts the paternal government needed to 'look to the material it must send as a nucleus of a good and great people'. [31]

The scheme proposed by Chisholm would kill two birds with one stone. For each single female emigrant she would send a family to cocoon her. The recruitment of these

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[27] This had been her focus since the mid 1830s when she set up a Girls' Industrial School in Madras. Eneas McKenzie, *Memoirs of Mrs Caroline Chisholm*, London: Webb, Millington & Co, 1852, pp. 6-20.
[28] Chisholm, *ABC*, pp. 34.
[29] Ibid p. 26.
[30] Caroline Chisholm, *The Family Colonisation Loan Society*, pp. 36-37 in *Colonial Discourses, Series One: Women, Travel and Empire*, Wiltshire: Adam Matthews, 1999, microfilm, reel 22.
[31] Caroline Chisholm, Letter to Rt Hon Earl Grey, Secretary of State for the Colonies, London, June 1847, in *Colonial Discourses,* reel 22.

families had begun in the late 1840s when Chisholm travelled around England and Wales seeking out a 'benevolent gentlemen or lady' in each locality to take responsibility for hosting group meetings for intending working-class migrant families. Here, as at the meetings in Chisholm's own home in Islington, the 'benevolent lady or gentleman' would introduce the migrants to each other and encourage the male 'head' of each family to 'feel that his individual conduct is thrown into the national scale', and call on him to pledge,

> to exercise a parental control and guardianship over orphans and friendless females of good repute for virtue and morality, proceeding with family groups; to protect them as our children, and allow them to share the cabins with our daughters.[32]

In return for the protection afforded by the men, 'the girl…would aid the mother, tend the child…and nature would not be wanting in doing her part…The child would not forget the orphan girl that so kindly tended it on board, for kindness is in general the origin of affection'.[33]

Chisholm's scheme, presenting as it did a complete picture of a world view that was in accord with values of imperialism and domesticity, of bourgeois stability and Christian mission, found many supporters. [34] One of these was Elizabeth Herbert, who brought the aims of the society under the notice of Charles Dickens:

> I told him about your emigrants' letters, and he seemed to think that giving them publicity would be an important engine towards helping on our work, and he has so completely the confidence of the lower classes (who all read his books if they can read at all) that I think if you can persuade him to bring them out in his new work it will be an immense step gained.[35]

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[32] 'Safety for Female Emigrants', *Household Words*, vol. 3, 31 May 1851, p.228; *Men of the Time*, London: David Bogue, 1856, pp. 820-823.
[33] Chisholm, *ABC*, p. 14.
[34] A *Times* leader in 1850 places cause of colonial agitation for independent government lying in the creation of 'a settlement at the Antipodes with twice as many men as women instead of that equality which Heaven has ordained'. *Times*, 2 January 1850.
[35] 24 February 1850, quoted in Margaret Kiddle, *Caroline Chisholm*, Melbourne: Melbourne University Press, 1957, p. 143. Apart from the 'A Rainy Day of the *Euphrates*' quoted previously, Dickens ran extensive articles in his *Household Words* over several years. Emigration also appeared in his fiction; Chisholm in *David Copperfield* (1849-50) became Mrs Jellaby but as Diana Archibald points out, in representing Australia as a place in which people who have failed in England (Macawber and bankruptcy, Little Emily and sexual transgression) are able to reinvent

Chisholm managed to garner people of enormous influence to sit on her committee, including Elizabeth Herbert's husband, Sidney Herbert, MP. The Herberts, inspired by Chisholm's work, began their own organisation, the Fund for Promoting Female Emigration, motivated by the 'plight of distressed needlewomen'. [36] Even though both organisations were concerned with the 'plight' of women, the preparation of intending migrants and the moral safety of voyages, their plans of execution were divergent. Unlike Chisholm's cocooning of young women within family groups, 'the only safe and respectable system by which female emigration can be carried on', the Herberts were sending young single women to Australia *en masse*. [37] Although unspoken, there may have been a perceived difference between the target groups that made the journey unthinkable for one, but acceptable for the other. Chisholm's project appears to have assumed a traditional, and perhaps regional or rural, social network to which the young women belonged, and under whose protection the emigration could be effected.[38] The Herberts' distressed needlewomen, on the other hand, were seen largely as an urban phenomenon; urbanisation had broken their 'natural' ties leaving them dangerously unprotected, subject to temptation and tempting others. Although the societies were administratively linked, their different names and procedures ensured that these two imagined groupings were kept separate. But by 1858, when Alice Gordon obtained her ticket, the boundaries between the two organisations had become blurred, and the processes increasingly similar.

Initial changes to the Family Colonisation Loan Society can probably be traced to the massive increase in male emigration to Australia in 1852 and 1853 brought on by the

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themselves it became a place to which respectable people would not choose to go. Diana Archibald, 'Angel in the Bush: exporting domesticity through female emigration', in *Imperial Objects*, p. 231.

[36] The distressed needlewomen, like distressed governesses, became a trope in the mid 1840s and 1850s. See Rogers *passim*. Rogers traces the distressed needlewomen to the findings of the 1843 Children's Employment Commission whose infantilisation of women's work drew them into the inquiry as victims. She also comments that less than half the women who were emigrated under this scheme were in fact needlewomen and cites the Chartist, George Reynolds' view that Herbert's was a 'pseudo charity'. Hammerton makes the point that Sidney Herbert was one of the proprietors of the *Morning Chronicle* in which Mayhew's 'London Labour and London Poor' was serialised in the late 1840s, and in which the 'distressed needlewoman' could be said to have been created. p. 121, n. 87.

[37] Chisholm, *ABC*, p. 21.

[38] Two very different portrayals of Australia were being reflected in *Punch* at this time although the values of domesticity underlay both. In each two comparative images were given which contrasted, on the one hand, ragged, begging, cold, urban women of urban England with contented, husbanded, maternal women in the outback; and on the other, beautiful, golden cornfields of rural England with Hellish scenes of drunkenness and vice on the Victorian goldfields.

gold rushes. It became imperative to work on faster and more comprehensive means of getting women to the Australian colonies.[39] But the more dramatic change to the steady emigration under the two schemes was the outbreak of the Crimean War. Sidney Herbert was, at the time, Secretary at War, and he and Elizabeth became increasingly involved in the recruitment of nurses with their friend Florence Nightingale and later Mary Stanley.[40] Migration anyway had become difficult: shipping was in such short supply for civilian travel that Chisholm had to delay her own voyage back to Sydney until the following year.

Nevertheless, the Family Colonisation Loan Society's secretary in London continued to correspond with immigration agents in New South Wales, Victoria and Tasmania. Even in 1854, the year of the outbreak of war, it was soliciting a deal with Tasmania and proposing several ships between 1856 and 1860.[41] But the terms of the arrangements suggest a much closer proximity to the ethos of the Herbert's Female Emigration Fund than the Family Colonisation Loan Society. There were the vestiges of Chisholm's original vision for young women to be under the protection of families, but the ratio was vastly different. For each ship that could be arranged, the Tasmanian Board of Immigration offered 150 blank bounty tickets for single female emigrants and an additional six tickets for families so that the women would be 'accompanied'. It stipulated that arrangements for their 'conveyance and protection' should be made with 'regular colonial traders commanded by persons of known respectability of character'. It may have been the goodwill attached to Chisholm's society, a crucial consideration for the reputations of female emigrants, that led to the further operations in its name.

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[39] See Hammerton (pp. 108-111) for a fuller discussion, although the ships going to Tasmania and New South Wales in the 1850s do not seem to bear out Hammerton's argument that the focus had shifted to middle-class emigration.

[40] H C G Matthew, 'Herbert, Sidney, first Baron Herbert of Lea (1810–1861)', *Oxford Dictionary of National Biography (ODNB)*; online edn, May 2009 [http://www.oxforddnb.com/view/article/13047, accessed 24 Sept 2009]

[41] In 1854, Samuel Cogden on behalf of the Family Colonisation Loan Society wrote to Messrs Kerr, Bogle & Co of Hobart Town offering its services to select emigrants and organise their transport for a commission of five percent per head of passage money. The letter was forwarded to the Board of Immigration who acted on it on March 19, 1856. The society sent out the *Oriental* in April 1857 and in August a further batch of bounty tickets was sent to the society. It appears that the society had also sent the *Woodcote* to Hobart and the *Ambrosine* to Launceston, prior to the *Oriental*. All the women had been immediately hired and Board professed itself very pleased. Immigration Board. Letterbook of the Secretary and Immigration Agent, AOT CB7/5/1/2.

But more important to the colony than the mode of transport, was the attention to be paid to the *selection* of emigrants. William Champ, Tasmania's Colonial Secretary and President of the Immigration Board, made clear in his letter to the Society:

> The object of issuing these tickets is to obtain single women of good character and suitable for employment in ordinary domestic service, as plain Cooks, Laundresses, Housemaids, in the Dairy and plain Needlework. It is expected, therefore that your selection will be regulated accordingly, and that you will carefully avoid sending persons whose relatives or friends may already have emigrated to South Australia, Victoria, or New South Wales, as such persons are found to be naturally desirous of leaving Tasmania, to join their friends who have settled in the neighbouring colonies. I have also to observe that the selection should not include Governesses, Housekeepers, or Ladies' Maids, the colony requiring at present, useful ordinary domestic servants , and you will doubtless be particularly careful as to the Character of Selections made from London or other large towns.[42]

How did Alice Gordon gain her ticket? During its heyday the Female Emigration Society set up committees in different metropolitan districts, each headed by one of the board members: the Earl of Shaftesbury, Hon. Arthur Kinnaird, the Reverend Mr Queckett, who interviewed prospective emigrants at appointed hours.[43] It was this kind of recruitment, placards on churches in London's main thoroughfares, advertising 'Female Emigration, inquire in the vestry on Mondays, Wednesdays and Fridays', that had incensed Chisholm as wounding 'the feelings of womanhood' when she was proposing her original scheme. But it would seem that potential emigrants for the *Constance* were recruited in a similar way. One of Alice Gordon's fellow passengers, Ann Sach, from Peckham, Surrey, applied after seeing an advertisement when she was in London one day and had only six weeks to prepare.[44] The first of the several advertisements in the *Times* appeared four weeks before departure and its wording, '**WANTED**, a few **SINGLE WOMEN**', indicates that most of the recruitment had already been done.[45]

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[42] Ibid.
[43] Based on 1851 description of female emigrants travelling on board the *Australasia* to Van Diemen's Land. *Times*, 1 July 1851.
[44] Christopher Riley, *pers com*, 14 January 2004.
[45] *Times*, April 9, 13, 21, 23, 1858.

I imagine Alice Gordon alighting from her omnibus at Mansion House, the heart of the city of London and the conjunction of its main thoroughfares. The traffic here was 'so confusingly great that a timid person would find it absolutely impossible to effect a crossing from the Bank to the Mansion House without assistance'.[46] But I don't imagine Alice Gertrude Gordon as timid, not at all, as she stood in, and moved through, this financial hub of the Empire's metropole. Mansion House was named for the residence of the Lord Mayor but, more importantly, the square also housed the Bank of England and the Royal Stock Exchange. The Exchange was new. Opened by Queen Victoria in 1845, she was immortalised in the great hall and around her white marble figure 'merchants and traders [met] at certain hours to transact business and discuss matters affecting finance and commerce'. Its upper floors were for the most part taken up by Lloyds, gatherers and distributors of world-wide shipping intelligence, and underwriters of Britain's ships and cargo. Outside, the sense of mission of the Exchange was expressed within the tympanum above the columns: in the centre, the female allegorical figure of commerce held the charter of the exchange. Next to her stood the Mayor with senior officials and merchants then, on either side in descending order, an Indian and Arab, a Greek and Turk, a Chinese, a Persian and a Negro. On the architrave below was inscribed with the words: 'the Earth is the Lord's and the fullness thereof'.[47]

Passing the equestrian statue of the Duke of Wellington, recently cast from the bronze of cannons captured at Waterloo, Alice Gordon would have walked up Cheapside, the oldest of the thoroughfares running off Mansion House, and 'the busiest in the world'. For hundreds of years and until quite recently it had been vibrant with different nationalities and the sale of imported merchandise, as well as local jewellers, milliners, dressmakers and drapers. Now, though, with the focus on finance, there was 'scarcely a woman to be seen to every hundred men', and the shops had become tobacconists and bespoke tailors catering for this new clientele.[48] Alice Gordon, a young woman in a sea of men, would have turned into the first street on her right to the offices of the Family

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[46] *Dickens's Dictionary of London,* p.138. The courage of a young female emigrant to Tasmania who was sponsored by the Institution for Needle Women failed here: 'She had been sent to Bucklersbury with a parcel for the ship, and to make some enquiry about its sailing. She had started without any breakfast, and losing her way, returned without having executed her commission. She explained her trouble and tears in these terms: " 'Twas bad enough, she had thought, to sit at home all day with nothing to eat and nothing to do; but let anybody try and they'd find it a deal worse to be pushed about the streets with a big parcel, going one didn't know where, and jostled up Holborn Hill and down again all in the rain, and then find oneself all wrong."' 'Our Emigrant', *English Woman's Journal*, vol. 9, no. 51, 1 May 1862, pp.181-186, p.185.
[47] *Dickens's Dictionary of London*, pp. 226-7; Baedecker, pp. 146-8.
[48] *Dickens's Dictionary of London*, p. 48.

Colonisation Society at 29 Bucklersbury. The Tasmanian Emigration Agent was J B Parker, and if the system continued in a similar vein to its earlier incarnation, Alice Gordon would have been asked to state her case. When she had passed this initial scrutiny she would have been issued with application forms and given another appointment to which she would bring the forms and 'certificates of respectability, signed by two householders of [her] parish…, a medical certificate, and one from a magistrate or clergyman as to the genuineness of the signatures in the previous papers'. Her case would then have been decided by a full committee of the society.[49]

There are no details about the departures that took place after the Crimean War, but in the early 1850s, the successful emigrants were asked to enter a 'Home' supervised by a matron, where they were prepared for the journey and their lives in the Antipodes. 'Here they are mustered, divided into messes, their outfits examined, defects supplied, and information and advice afforded them'. According to Dickens they were also scrutinised for moral lapses and trained up in the rudiments of domestic service here.[50] And from here they would have departed as a group for the Blackwall Pier.

I tried to follow Alice Gordon's journey; to see her off, as it were. The Docklands Light Railway follows much of the same route as the old London and Blackwall line: Fenchurch Street, Shadwell, Limehouse, Poplar, Blackwall, but it is a statement of late twentieth century-modernity. The driverless train soars over areas that had been first flattened by the Blitz in 1940, and then permanently altered by closures following containerisation in the 1960s. Blackwall Station is like a cage high in the air from which one descends down a pylonesque stairway. No 'pungent smell of hemp and tow and tar' here, only diesel. Nor is there any sign of the Pier or even the Thames from this near-deserted stretch of tarmac. [51] I later discover that the DLR Blackwall Station *is* on the site of a London and Blackwall Railway station; but that of Poplar, not Blackwall, which is now further east. I have run out of time. I catch a train back.

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[49] *Times*, 1 July 1851; 19 February 1861.
[50] Ibid, 1 July 1851. The *Times* indicated that the problem was not so much the 'downright black sheep, for they may be detected and avoided with comparative facility, and we presume the object is not to whitewash insolvent reputations; but we *are* afraid of sluts and slatterns, flirts and fine ladies, dawdlers and do-nothings, the awkward, the ill-tempered, and intractable'. 2 January 1850.
[51] Morton, p. 14.

And so I imagine myself back at Gravesend, among the day-trippers for whom the boarding and departure of ships was one of the spectacles that made the day out so worthwhile, providing a vicarious taste of potential trajectories. For many the departing ships have associations with other departures – of friends and family members who have gone off to live in the colonies, or to engage in mercantile ventures, or to fight in wars. It reminds them of those who returned, those who might and those who never will. These departures are and have been the inevitable correlation to Britain's expansion and defence. On the far shore lies Tilbury where Queen Elizabeth is said to have told her troops in 1588 that she had ' the body but of a weak and feeble woman', but 'the heart and stomach of a king, and a king of England too'.[52] Now, in May 1858, the Crimean War, with over 20 000 British dead, is barely at an end.[53] Britain's aggressive and unprincipled trading in opium in China has embroiled her troops in the Second Opium War; and the forensically detailed and highly emotive reports of massacres of English women and English children at the hands of rebellious sepoys in India have just been published in the newspapers that the *Constance* will carry with her to Tasmania.[54] The ships in the river are reminders of life's uncertainties. The *Theresa*, one of the three large ships that will leave from Gravesend this evening of May 8, 1858, is making for Calcutta. The *Grecian* is heading for Jamaica where freed but still badly treated slaves are feared to be in sympathy with the Indian mutineers.[55]

The *Constance* has been loaded with a cargo its charterers believe will go down well with the colonists. The boxes and trunks of the emigrants, painted with the name of the ship and their destination, have preceded the young women. These now arrive in a steamer which hovers alongside the barque. One hundred and twenty-nine young women hoik their skirts, mount the paddlebox of the steamer and cross a precarious gangplank onto the deck.[56] They are welcomed aboard, perhaps by the charming, handsome, graceful and serene Captain, Edward Peppen Ellis, who, after a second or third honeymoon has left his wife pregnant in Croydon.[57] And the star-gazing and

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[52] Edith Sitwell, *The Queens and the Hive*, Harmondsworth: Penguin, (1962) 1966, p. 387.
[53] John Sweetman, *The Crimean War, 1854-1856*, Osprey Publishing, Oxford, 2001, p. 89.
[54] *Times*, 10 May 1858.
[55] Catherine Hall, *Civilising Subjects: metropole and colony in the English imagination 1830-1867*, Cambridge: Polity, 2002, pp. 54-57.
[56] This is how the *Euphrates* women came aboard. Dickens, 'A Rainy Day on the *Euphrates*', p. 413.
[57] Captain Ellis 'epitomised that type of handsome, upright, fair dealing Englishman, with the rhythms of the sea in his gait, which was considered one of England's best products in the nineteenth century' (Vincent Brome, *Havelock Ellis, Philosopher of Sex: a biography,* Routledge,

indecently young surgeon, William Bone, who would later make his mark (but not improve his popularity) with satirical pieces about the officers in charge of the Port Arthur penal station in Tasmania.[58] He would be responsible not only for the medical care but also the spiritual guidance of the passengers. His authority will trounce that of the matron, Maria Tillard, 45, who is in charge of the daily needs and discipline of the young women.[59] Maria Tillard is too old for a free ticket and so is working her passage with a small remuneration. She is travelling with her two teen-aged daughters, Phoebe (14) and Eliza (15). They come from just up river, the Royal Arsenal at Woolwich where her husband has worked as a carpenter in the armaments laboratory. His is a dangerous occupation, though. Accidents with explosives are commonplace.[60] She has herself down as a widow but I have found no death certificate for him.

Committee members and patrons of the Family Colonisation Loan Society are also on board; some have made their own way. Others have travelled on the steamer with their charges. The young emigrants are mustered on deck, given their references and addressed envelopes so that they can tell Lady Herbert how they fare in the colonies. They are lectured by Sidney Herbert or one of the patrons. They are told of their good fortune and the duty they have to work hard, stay sober and virtuous, obey their employers and save money so that they can sponsor other young women or members of their families. They are told not to marry in haste and to never forget the Mother Country. A clergyman blesses the ship and its occupants and asks God to grant them a

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1979, p. 11). 'Turning the pages of the *Times*, already a month old, in Singapore, Capt Ellis at last found the brief notice: 'on the 2nd inst, at 1, St John's Grove, Croydon, the wife of Mr Edward P. Ellis, of a son.' The son was Havelock Ellis, the sexologist (p. 8).

[58] Wayne Orchiston, 'Dr William Bone and the Role of the Amateur Observatory in Australian astronomy', *Southern Stars*. Vol 32, No 4, September 1987, pp. 111-128; Ian Brand, *Penal Peninsula: Port Arthur and its outstations, 1827-1898*, pp. 160-1.

[59] The South Australian Commissioner for Crown Lands and Immigration remarked that 'while it is considered that the majority of our surgeons are young, unmarried men, (and in some cases might almost say boys), it must be obvious to any person who has had any experience of human nature, that it would be undesirable, in many cases, that the Surgeon should have the power at any time during the night, to enter the single women's apartments, without the Matron's knowledge'. Cited by Gothard*, Blue China*, p. 139. Gothard makes the point that matrons were held responsible for the morality of the women but subordinate to the men who most threatened it (p. 111).

[60] *Census* 1851. PRO HO 107/1589. Her husband had worked as a carpenter in the Royal Laboratory 'one of the most imposing establishments for the manufacture of the materials of war' (*Baedeker*, p. 415). Only weeks before the *Constance* sailed there was an accident with an exploding shell filled with fulminating mercury. Further back seven boys and men were killed after a spark from a lathe-driven drill ignited a rocket and a thousand serge bags filled with squibs. *Times*, 1 April 1858; 21 May 1856.

safe voyage. The worthies then retire to the main cabin for light refreshments and the emigrants go below deck to their own quarters. [61]

Some, perhaps many, of the passengers have friends or family to see them off. Together they inspect the dark space between decks where they will be quartered for the next three months, sleeping on bunks, each group of six or eight forming a mess. Some will keep the others awake with their boisterousness, others will cry silently into their pillows. Here, between decks they will sweat over the Equator and freeze in the southern reaches, they will curse or pray to God in terror during storms, retching as the ship rocks and heaves, waiting for the creak that will precede a crack in the timbers and the seawater gushing in to drown them all. There will be an endless regime of cleaning, scouring, to rid the space of the stench of unwashed bodies, vomit and overturned night-pails. For weeks they will appear to be hardly moving, see no change in the horizon. Life will become a routine of folding bedclothes, rolling up mattresses, sweeping berths, meals, laundry, morning and evening prayers, literacy lessons for those who need them, letter writing for those who do not, and sewing – chemises, dresses, …They will fight and laugh, or keep themselves to themselves; form passionate friendships and make avowed enemies. They will read to one another and sing songs that remind them of home. But first, here, between decks, on this last day before departure, they will sit at the form down the centre of the room and share one last meal with friends and family. [62]

Alice Gertrude Gordon was one of 129 women on board the *Constance.* Many of these, like Maria Tillard, would have been traceable through census information and registrations of births, marriages and deaths; or, like Ann Sach, through the stories and

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[61] Described by Dickens. Mr Herbert came aboard, made a speech to the emigrants and gave them each a pre-addressed envelope. They were to write to Mrs Herbert or Mrs Stuart Wortley about their 'progress and prospects' when they arrived in the colony. 'A Rainy Day on the *Euphrates*', p. 414; *Times,* 26 January 1853. Before one voyage, Mr Stuart Wortley, standing in for Sidney Herbert, pointed out the debt of gratitude the young women owed God and Mr and Mrs Herbert. *Times*, 3 August 1852.

[62] Ann Sach told her descendants that the voyage had been so stormy the Captain had despaired of them surviving.(*Pers com*, Christopher Riley); Annie Grattan's diary, 1858, cited in Andrew Hassam, *Sailing to Australia: shipboard diaries of nineteenth-century British Emigrants*, Manchester: Manchester University Press, 1994, p. 139. The *Euphrates* women were encouraged to make striped shirts for which they would be paid. Dickens, 'A Rainy Day on the *Euphrates*', p. 413. The British Ladies' Female Emigrants Society had a scheme to supply bags to female emigrant ships containing 65 yards of calico, 89 yards cotton print, 5 pounds patchwork , 200 assorted darning needles, 2 gross best knitting pins and half a gross of thimbles. Cited in Gothard, p. 94; Keturah Davies, 'Diary of a voyage on the *Shah Jehan* from Plymouth to Port Adelaide', 1860, http://www.jlb2005.plus.com/wales/keturah/notes.htm accessed 25 September, 2009.

records of her descendants. The backgrounds of some, like Alice, will always remain hidden. But however obscure their origins, and however constrained by their class and gender, all were embarking on a project of empire, albeit to an island that had until recently been only known as a penal colony.

Did Alice Gertrude Gordon have anyone to see her off? I think she may have done. Thomas and Mary Ann Gordon lived just upriver. Thomas was a master boot-maker in Woolwich township. The couple had at least five children – Harriet, Mary, Henry, Charlotte and Thomas, probably more. Another was to be born the following April. She would be christened Alice Gertrude Gordon.[63]

It was already dark when, on May 8, 1858 the *Constance* was tugged over the last of the Thames reaches, the pessimistically named Lower Hope, and out to sea against a north-easterly wind.

[63] *Census* 1851, Woolwich, PRO HO 107/1589. Alice Gertrude Gordon was the only child by that name I found in British records prior to 1878. She was born on 10 April 1859.]; she died the following year. Index of Births, Greenwich District, 1859, vol. 1d, p. 627; Index of deaths, Greenwich district, 1860, vol. 1d, 431.

CHAPTER THREE

WITHOUT NATURAL PROTECTORS

It was late winter when the *Constance* neared her destination. Tasmanians became aware that she was somewhere on the high seas on 7 August 1858 when the *Victoria* arrived with the English news which was speedily cannibalised by the local press. Although almost entirely filled with details of Palmerston's controversial India Bill, the *Mercury* found space to announce the imminent arrival in the colony of two trophy cannons captured from the Russians in the Crimea and a shipload of female emigrants:

> The last emigration transaction of the Family Colonisation Society was completed on May 7, by the departure from Gravesend of the *Constance*, having on board 129 single females and six families selected by the Society. The ship was bound for Hobart Town; and judging from the appearance and demeanor of the young women, we cannot but think they will prove a valuable acquisition to the Tasmanians. [1]

The piece was quoted verbatim from the *Times*; the colonists waited expectantly.

Less than a week after this announcement, the *Constance* herself was sighted off the coast of Tasmania, but the news was drowned out by the almost biblical tempest that prevailed for three days and three nights in the colony. On the evening of 12th August when the *Constance* was seen, the rain that had begun thirty-six hours before had worked itself into a frenzy over the colony. That night was reported as one of 'Egyptian darkness' by Zephaniah Williams Davis who was travelling down from the Midlands as an outside passenger on the mail coach. The southerly gale was 'blowing a hurricane', and the rain was coming down so hard it felt like hail on his cheeks. Reaching the northern suburbs of Hobart at daybreak the deluge continued; water reached the windowsills of the small houses either side of what had been the road and residents had to open their front and back doors to allow the water through. The road itself had become a 'cataract'; logs, fences and fragments of furniture were carried out of sight 'by

[1] *Mercury*, 7 August 1858, taken from the *Times.* The India bill preceded legislation that would transfer the administration from the East India Company to the British Crown. The Indian Empire was proclaimed on 1 November 1858. Mounted at Woolwich, the cannons were being distributed to towns throughout the British Empire to instil patriotism.

the angry temper of the waters'. In Hobart orchards of trees had been wrenched out, pub cellars filled, boundary walls crumbled, bridges collapsed. A postmaster upriver, carrying his daughter over a makeshift bridge to a neighbour's house, lost his footing and both fell into the torrent. He was saved by a tree but the child was taken by the flood. [2]

The storm was so severe that the *Constance* was thwarted from coming into port. Ninety-two days she had been at sea. The euphoria of her passengers at being so close to land may well have been drowned out by sea-sickness and fear as sky and ocean merged (as Keturah Davies, a female bounty migrant on a similar voyage wrote), with waves crashing against the timber sides, the ship rolling and jerking and threatening to split in two. [3] The *Constance* passengers were on a coastline already littered with the wrecks of ships that had foundered just short of their destination. Nothing to do but pray and wait it out, sticking to the berths so as not to get sodden from the water pouring through to between-decks in spite of the closed hatches. When at last the weather calmed the preparations began: pots and pans scrubbed, nails pulled out; floors, berths, walls scoured by the women with chloride of lime which, Keturah Davies said burned their eyes and clung to clothes already caked with salt.[4] Surplus food – oatmeal, flour, rice, pickles, preserved cabbage, potatoes, mustard, pepper, treacle, suet, Valencia raisins and butter – was measured and weighed, ready for auctioning when the ship berthed.[5] Trunks and boxes were brought up from the hold and belongings packed. Amidst all this busyness, though, the most urgent desire must have been to glimpse their destination, to take in with their own eyes a place that had, until now, only existed in their imaginations.

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[2] *Constance* sighting: *Mercury*, 19 August 1858. The rain began at dawn on Tuesday, 10 August, and continued without cessation until Friday. Within seventy-two hours eight and a half inches had fallen. *HTC*, 13, 14, 20 August, 1858.

[3] Keturah Davies, 28 October 1860: 'The rain descended as if the ocean had exchanged places with the sky … Awoken in the night with 'the rocking of the ship and the tin plates and pans falling off the shelves'.

[4] Keturah Davies, 20 November 1860. At one point between decks on the *Constance* had become so disgusting 'the dirt, the filth, and stench were abominable; the accumulation of dirt, rags, old boots and shoes, &c., was very great'. A day was spent cleaning. From the journal of Dr Bone, quoted in Tasmania, Legislative Council, 1858, *Addenda to the Immigration Agent's Report for Half-Year ending 30 June 1858*, T*HAJ*, no. 11, p. 8.

[5] *Mercury*, 25 August 1858.

Most prominent was the mountain, blanketed with the snow from the blizzards of the last week. 'Wellington', someone might have said. That the war hero was not yet dead, indicated the newness of the British settlement here. Mount Wellington warned any errant French ships that any renewed ideas of Napoleonic expansionism would be rebuffed with British might. Mount Wellington, more than any Union Jack, pronounced this island an English *possession*. The township the *Constance* women saw in the distance, with its square buildings and church steeples, was as familiar as any English town.

From this distance the only suggestion that the port the *Constance* was about to enter might not be a part of the British Isles was the bluish tinge of the eucalypti -afforested landscape. Coming closer, the Englishness of the townscape concealed from the new arrivals the recent displacement of an indigenous population. Although without property themselves, by the mid-nineteenth century the idea of property – its associations with power and subjection, – would have permeated every aspect of the waking lives of the *Constance* women: the idea that land was parcelled and owned, that proprietorship signified status, that crimes against property drew heavy punishment, that women were the property of men, that servants were the property of their masters. For some who had come from rural areas, Wales, Scotland and Ireland, there may still have been a memory of freedom to roam, to glean, to fish, to hunt and to gather, and a resentment of the imposition of the exclusive property rights that were so alien to the Aborigines British occupation had displaced. [6] The empire builders were past masters at legitimising occupation – in Wales as in Tasmania.

In 1804 the new settlement had been named after Lord Hobart, the first Secretary of State for War and the Colonies, whose department was responsible for building the central machinery for the administration of the empire.[7] Seven years later Governor Macquarie, whose military teeth had been cut in India, ordered the ramshackle buildings that had arisen on the site to be brought into line. His layout 'was a modified

[6] Henry Reynolds indicates that such a concept of alienation and assertion of rights was incomprehensible to the Aborigines - so perverse as to be unimaginable. It confounded the complex identifications with land based on totemic, linguistic, marital, kinship and ceremonial networks as well as the different levels of signification accorded to sites. Not only was the idea of alienating land incomprehensible, but also the idea of people alienating themselves from their land, so that in the early stages of white invaders could only be understood as returning ghosts of ancestors. Henry Reynolds, *The other side of the frontier: Aboriginal resistance to the European invasion of Australia,* Penguin: Ringwood, (1981) 1990, pp. 63-66, 31-22.
[7] See Kendall, p.96.

gridiron, the camp plan of hot and dusty Indian plains reinterpreted for a landscape of wood and stream'.[8] It was to the town that had grown from this grid that the *Constance* was headed; at this moment a cold, drenched town, a very far cry from the Indian plains.

As the water ebbed leaving mud and sand and ruined household goods, and the poor living in the low-lying areas along the estuary and rivulets were left to clean up the mess, newspapers turned their attention to the *Constance* and her cargo of servants for the consideration of their readers who, for the most part, lived on higher land. Under the banner 'The Emigrants per Constance', the *Hobart Town Courier* allotted all its editorial space over two days to the ship and her passengers. The emigrants, the paper reported, were mainly domestic servants 'described by all parties as of a very superior description, both as to usefulness and respectability of character':

> Seventy virtuous young women introduced into any population – even though they may only number one to a thousand – must have an appreciable effect on its moral and social future; and this effect will of course be proportionate to the means taken for its fair development.[9]

The superiority, respectability and virtue of the women, and the imagined trajectories embedded in the words 'moral and social future' (the domestic ideals of marriage, childbearing and Christian rearing), suggest not only a stability of configuration that was denied them in England, but also a class elevation. These women on the ship, as yet unseen, have none of those 'deficiencies of politeness', or 'large hard hands and clumsy feet', Thackeray ascribed to the departing female emigrants at Blackwall. The ostensibly non-physical attributes of the immigrants contrast the extreme physicality of the working-class girls they had been before their voyage. The physicality, coarseness and lack of refined feeling that was assigned to their class had to be stripped away so that they could stand as icons of purity, one to one thousand, against the convicts they had been brought in to replace.

Virtue and the future weighed heavily in Tasmania at this historical moment. It was only in the last few years that the arrival of a ship had not bought with it a sense of dread among many of the free settlers. 'The hateful red flag flying at the signal staff, showing that another ship with male convicts is coming in. A thousand more of the worst among

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[8] Peter Bolger, *Hobart Town*, Canberra: Australian National University Press, 1973, p. 9.
[9] *HTC*, 24 August 1858.

men are expected before the end of the year', Thomas Arnold, Inspector of Schools, wrote to his mother in late 1850.[10] In the 1840s transportation had become Britain's panacea for removing people whose petty crimes grew from the famine and poverty of that decade. The numbers had so increased that even Earl Grey, Secretary for the Colonies, whose policy of transportation was unrepentant, admitted in 1847 that Van Diemens Land had been 'almost ruined' by it. This ruin was of little import, though, as Canada, the Cape, Mauritius, Bermuda, New South Wales, Port Philip, New Zealand and Ceylon all refused, or for other reasons were unable to accept, convicts or expirees. Revoking a promise to end transportation to Van Diemens Land, Grey instead increased it and off-loaded convicts from other colonies, notably Gibraltar and New South Wales, to which transportation had ceased.[11] His unpopularity in the colony provoked large, popular demonstrations including an effigy-burning on Hobart's Mount Knocklofty. By 1852, Arnold, like many others, decided the colony was no place to raise a family: ' The *Aboukir* brought nearly 300 convicts and Lord Grey declares openly that he will continue to send them here', he wrote to his mother, ' Very well; then I for one shall leave the colony, as soon as my debts are paid'.[12]

For Alice Gordon and her fellow emigrants, though, this was no longer Van Diemens Land, penal colony, but Tasmania, settler colony. A symbolic line had been drawn between the past and the present on July 5, 1855, when Her Majesty Queen Victoria, summering on the Isle of Wight, prepared a proclamation of the new name,' Tasmania', strengthening the idea of an imagined English community.[13] Tasmania, or at least its elite, began to identify itself more firmly as an equal player in a broader British imperial network, albeit still a child of the Mother country. 'It was ultimately conceded', James Fenton wrote in his *History of Tasmania*,

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[10] October 3, 1850 in *New Zealand Letters of Thomas Arnold, the Younger: with further letters from Van Diemens Land and letters of Arthur Hugh Clough, 1847-1851*, ed. James Bertram, Wellington: Oxford University Press, 1966, p. 193.

[11] A G L Shaw, *Convicts & the Colonies: a study of penal transportation from Great Britain & Ireland to Australia & other parts of the British Empire*, London: Faber and Faber, 1966, pp. 320-21. The obvious alternative was unthinkable, viz. Lord Shaftesbury: 'The prospect of retaining our criminals in England is perfectly terrible' (p. 349). Grey argued that he would not be sending out convicts but expirees who had served a year or two in English reformatories. By 1846 there were 26 000 transportees in Van Diemens Land. Convicts made up a third of the population, or more than half with expirees. At the end of 1853 the order-in-council making Van Diemens Land a penal colony was revoked; however all the convicts on Norfolk Island were relocated to Port Arthur between 1854 and May 1856. pp. 335, 343, 351, 353.

[12] 12 September 1851, 25 March 1852, *Letters of Thomas Arnold the Younger 1850-1900*, ed. James Bertram, Auckland: Auckland University Press, 1980, pp. 13, 22.

[13] *HTG*, 27 November 1855. The proclamation took effect on 1 January 1856.

> that the sentiment of freedom was not something peculiar to the soil of the British Isles, which lost its virtue when transplanted, but was a personal birthright which Englishmen carried with them wherever they wandered and founded communities. [14]

Charles Eardley Wilmot, writing just before the change, predicted that the time had dawned when Tasmania would 'fulfil her destiny as an English colony'. English, that was, 'in everything but her geography'.[15] But there was an unease about how well Tasmania could perform this role. The editorial inspired by the arrival of the *Constance* ascribed a refinement to the immigrants from their mere association with Englishness suggesting, in a roundabout way, that Alice Gordon and her shipmates may have been lured to the colony under false pretences:

> Distance has 'lent enchantment to the view' of the country to which she has emigrated, for, without the vivid colourings of the imagination, few would voluntarily sacrifice friends, country, home and high civilised refinement, for the chance of gaining a better living by the same amount of labour, in a region of which but an insignificant proportion has been reclaimed from the wilderness.[16]

But it was not the *wilderness* that was the problem here, nor the implied notion that it might be inhabited by savages; it was the settlement or, more precisely , the white population, built on a dichotomy of convict and free, and uneasy about the blurring of those boundaries. Although nominally a free colony now, relations between master and servant were grounded in a penal past. For decades the primary system of punishment was transportation followed by assigned service. Female convicts, whose delinquency marked them as having fallen from their 'natural state', were placed in domestic service in private households where, the theory was, they could be re-formed into submissiveness and cleanliness, ultimately to become wives of reformed male convicts. As their records attest, many female convicts resisted this project. Drunkenness, sexual misconduct, absence without leave and insolence were the most common misdemeanours they were accused of. But they were also brought before magistrates on trumped-up charges, including pregnancies that embarrassed their employers. These

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[14] James Fenton, *A History of Tasmania from its Discovery to the Present Time*, Hobart: J Walch and Sons, 1884, p. 280.
[15] Charles Eardley Wilmot, *Six Letters on Subjects of Colonial Interest*, Hobart: Advertiser, 1855, p. 31.
[16] *HTC*, 24 August 1858.

women were without 'character', that essential passport of respectability for women who had to engage in paid work. Regardless of how the convict women behaved in service, the fact of their convict status cast them as dishonest, sexually promiscuous and/or violent.

The representation of convicts as debauched had received particular impetus when the Anti-transportation movement, whose primary aim was the development of an English settler society in the colony, failed to persuade the home government to cease transportation on economic grounds or other claims of free settlers. As their frustration increased, the movement began to focus its rhetoric on the idea of moral corruption engendered by the penal system. By 1846 arguments were being presented to the home government that homosexual practices were endemic among prisoners in the probation system in the colony. A year later the rhetoric intensified with narratives of child-rape and cannibalism. It was a war waged with lectures, pamphlets and demonstrations. In London, the *Times* represented Van Diemens Land as 'steeped to the lips in a concentrated mass of pollution'.[17] The spectacle of a vice-ridden Van Diemens Land so skilfully created in the public imagination both in Britain and the colonies, was hard to dislodge. The very respectability sought by anti-transportationists was compromised by the rhetoric they had chosen to achieve it.

The *Constance* women were required to enter employment contracts that had the potential for greater hardship than situations they had left behind. In the years of uncertainty that marked the last stages of the transportation system the relationship between master and servant became highly contested. In the final phase the women sent to the colony had been nominally expirees rather than convicts under sentence. It was a scheme that had ricocheting effects on the whole working population of the colony Tasmania. The reaction of employers to the conversion from assigned convict labour (with the benefit of the disciplinary structures of the imperial Convict Department), to waged labour of expired convicts outside this system was to bring the already harsh Tasmanian Masters and Servants Act more closely in line with the measures of the old assignment system, making it the most Draconian legislation of this

[17] Lloyd Robson, *A History of Tasmania*, vol. 1: *Van Diemen's Land from the earliest times to 1855*, Melbourne: Oxford University Press, 1983, pp. 425-6, 501.

kind in the empire .[18] The position of Master and Servant increasingly resembled that of Gaoler and Prisoner. Charles Eardley Wilmot, from whose pamphlet 'Advice to Emigrants' extracts were appended to the editorial devoted to the *Constance* women, warned that many masters who had become accustomed to convict servants, had 'learned to disbelieve in the possibility of honesty', and had 'acquired a habit of treating them, like wild beasts, with blows and imprecations'. He played on the patriotism of employers and urged them to adopt English codes of conduct.

> Do not let the threat of the Police-office be such a *household term* when a servant does wrong. Remember that in *England* the Police-offices never see a *domestic servant* on a charge of *misconduct*.[19]

Tasmanian employers needed to play down the overt force with which they imposed their authority. They were to play their part in forming desiring subjects: a working-class, whose internalisation of bourgeois values would render them loyal imperial subjects through whom the settler colonies of the empire could be secured. They needed to 'cease to remember that once upon a time Vice stalked, a giant, through the land; whilst Virtue, unheeded, hid her outcast head'.[20]

As a counterpoint to this seething vice that so threatened to rupture the surface civility of the colony and by inference the virginity of the young *Constance* women, the editor of the *Hobart Town Courier* had a proposal to make. He indicated first their vulnerability: 'With the thickness of the globe between her and her natural protectors,' he wrote, ' – with no person near her of whom she can ask advice, or in whom she can place confidence, - she is truly an object of pity and commiseration.' But,

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[18] The amended Act withdrew the need for two magistrates to hear cases against servants and allowed that one was sufficient. Nor did masters have to be 'inconvenienced' by having to wait for a magistrate to hear a case of 'violent and outrageous behaviour' that might cause 'annoyance of a peaceable family'. No warrant was now required. And their imprisonment in a public gaol, involving ' the indiscriminate association with vicious characters' which was 'highly objectionable, especially in the case of female servants', now provided the master with the alternative of having her placed in solitary confinement. If a female servant's imprisonment was of greater inconvenience than her behaviour, her wages could be cut instead. The amended Act also wrested control of married female servants from their husbands to their masters who had previously not had the authority to punish them. Governor Sir William Denison to the Right Hon. Sir George Grey. November 20, 1854 GB.P.HC, *Irish University Press Series of British Parliamentary Papers: Colonies: Australia*, c*orrespondence relating to emigration to the Australian colonies*, Shannon: Irish University Press, c1968-, pp 187-8. See also Shane Breen, 'Farm Labour, Petty Law and Idle Vagabonds: emancipated convicts in Tasmania's northern districts, 1853-1900', *Australian Studies*, vol. 16, no. 1, 2001, pp. 81-123, pp. 101-108.

[19] *HTC*, 24 August 1858.

[20] Ibid.

> In many colonies there are appointed 'Protectors of the Aborigines'.[21] Is there a man or woman who will deny that young girls thus situated are not as much entitled to, and do not stand as much in need of, the friendly and considerate advice and protection of some official functionary as the aborigines?[22]

In this rhetoric white women, like Aborigines, were infantilised as being in need of 'protectors'. Unlike the Aborigines, their natural protectors would have been fathers and husbands, whose gender and race gave them greater authority, although their class precluded full citizenship. In the discourse of colonialism, though, the position of non-filial and institutional 'Protector' was not only one *occupied* by the colonising race; it was the whole *justification* for empire as a civilising mission. The domestication by upper-class white men of women generally and indigenous people within Britain's imperial reach could only be justified by demonstrating either their ineptitude at managing their own affairs and/or their vulnerability to physical or discursive predators. Predators are *never* acknowledged as being the protectors themselves, but have to be constructed as an external threat. In Tasmania, for the *Constance* women, the predator is the allegorical figure Vice. The protection of the Aboriginal population in the colony was so problematical that the *Hobart Town Courier* editor wrote as if they did not exist. His phrasing 'in many colonies there are' suggests the concept of Protectors of Aborigines as one only existing in other colonies, and allows the reader to assume that there are no Aborigines in Tasmania; that the protection of Aborigines was not a Tasmanian concern. This euphemistic positioning can be read in the context of the demonstrable failure of 'friendly and considered advice and protection' in intent, implementation and outcome for Tasmanian Aborigines.

In 1858, when the young English women on the *Constance* were being hailed as the Colony's future hope, fifteen Aborigines were living at Oyster Cove, a derelict convict station managed by the Aboriginal Department some twenty miles from Hobart. These were all who remained of over two hundred corralled from around the island in the 1830s and interned offshore. George Augustus Robinson, ' Protector of Aborigines' who was in charge of the operation, was confident that he had removed 'a whole nation'. It

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[21] The concept of a Protector of Aborigines originated in Anna Gurney's work on the 1835-6 Report of the Select Committee on Aborigines. For a full discussion see Elizabeth Elbourne, 'The Sin of the Settler: the 1835-36 Select Committee on Aborigines and Debates over Virtue and Conquest in the Early Nineteenth-Century British White Settler Empire', *Journal of Colonialism and Colonial History*, vol. 4, no.3, 2003.

[22] *HTC,* 24 August 1858.

had been a 'mournful spectacle,' historian, John West, wrote in 1852: 'the last Tasmanian quitting the shores of his ancestors'.[23] By 1847 so many had died from the cumulative effects of severance from their land, dislocation from their culture, and inappropriate food and living conditions, that they were no longer seen as a threat. There were fewer than fifty remaining when the offshore station was closed and they were brought back to the mainland. The children were removed and sent to the Orphan School so that they could be absorbed into the white population; the few young men were sent to work on whaling ships, and the older adults were left at the barracks to die out. While exhorting his readership to pity, West absolved the colonists of collective blame: 'It is not in the nature of civilization to exalt the savage. Chilled by the immensity of the distance, he cannot be an equal: his relation to the white can only be that of an alien or slave.'[24] By 1858 the remaining fifteen Tasmanian Aborigines were treated as curiosities; some were brought to town into Hobart for vice-regal display, their photographs presented at international exhibitions as members of a dying race. None of the rhetoric took into account descendants of those Aborigines who had intermarried with the European population, most of whom still resided on the islands, and whose troubling hybridity threatened the categories that enabled the discursive justification of colonisation.

The configuration of the Empire and its agents as protectors was in crisis in 1858 when the *Constance* women were journeying to one of its southernmost outposts. The papers brought by the *Victoria* with news of the imminent arrival the *Constance* were filled with Palmerston's new India Bill, drafted in response to an existential crisis effected by the ongoing Indian Mutiny. If the concept of natural protectors for Aborigines was so corrupted by failure in Tasmania as to be unmentionable, and for single women 'at Home' as to result in their being ejected from their land of birth, the Mutiny brought the whole rationale for British rule into question. Jenny Sharpe sees this as a 'crisis of authority' and maps the transfigurations that were brought into play to rescue the legitimating discourse for British rule and the personhood of officer-class Englishmen.[25]

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[23] John West, *The History of Tasmania,* Melbourne: Angus & Robertson, (1852) 1981, pp. 352, 310.
[24] Ibid, p. 333.
[25] This is the subject of Jenny Sharpe's *Allegories of Empire: the figure of woman in the colonial text*, Minneapolis: University of Minnesota Press, 1993. I am particularly indebted to her here for her third chapter, 'The Civilizing Mission Disfigured', pp. 57-82.

Central to the civilising mission that had become the pretext for Britain's presence in India was the construction of the 'mild Hindoo': as desiring the benefits of Western knowledge and, ergo, exemplary British rule, which would provide protection from Asiatic despotism and heathen custom. The Hindoo in pre-Mutiny days was constructed as generically male but always feminised: grateful, like Englishwomen, for the imperial/masculine wing of protection. In the wake of the Mutiny that so demonstrably proved both an aversion to British rule and traits of rebellious masculinity within the Northern Indian population, Sharpe argues, the figure of the virtuous Englishwoman became the central focus in a discursive battle for regaining legitimacy for imperial rule *and* domestic ideology. This rescripting, in the first instance, took place in the 'reports' sent to the British press and their editorial commentary.

If the *Victoria* brought news to Tasmania of the bill vesting powers away from the East India Company and into imperial hands, the *Constance*, a fortnight later, brought the *Times* commentary on the seventy-two page *Supplement to the Gazette* that had listed the 'names, social designations, and manner of death' of Europeans in India during the last twelve months. The *Times* praised the report for its lack of embellishment but proceeded to supply its own. Liberally peppered with 'English', 'women and little children', 'wives', 'babies', 'Christian' and 'civilized' on the one hand, and 'treacherous', 'massacre', 'butchered', 'murderers', 'atrocity' and 'Asiatic malignity', on the other, the *Times* coloured what had been an appalling loss of life of both Europeans and Indians with the fate it allowed its readers to imagine had befallen Englishwomen:

> Let men of common sense employ that faculty for a moment, and say what was likely to be the conduct of a swarm of furious Asiatics, mad with fanaticism and the lust for blood. How do even European soldiers act when they take a town by storm? And can it be believed that atrocities tenfold as horrible would not be committed by such tigers in human shape as were raging through the streets of Delhi and the Residency of Cawnpore.[26]

[26] *Times*, May 10, 1858. John Kaye, writing the second of a six volume history of the Indian Mutiny between 1864 and 1876, categorically refuted reports of mutilation and violation of English women by Indian rebels. *Kaye and Malleson's History of the Indian Mutiny*, ed. G B Malleson, London: W H Allen, 1888, vol. II, p.281. Furthermore, Jenny Sharpe makes the point that what was represented in the newspaper reports as British reprisals often preceded Sepoy attack and that 'what confirmed the Sepoy atrocities against English women were the punishments that reflected them' (Sharpe, p. 77).

Sharpe argues that the introduction of rape into the mutiny narratives performed ideological work in the 'crisis of authority' that threatened to destroy Britain's supremacy in India. Attention had to be drawn away from the fallibility of the concept of a civilising mission, of Britain as a natural protector and desired presence, and of the visceral and moral emasculation of the officers, the agents of empire. In the reconfigurations Englishwomen came to represent the mission of empire and the values of civility it purported to be introducing and upholding. The violation, then, of Britain's divine destiny to rule, was a rape of the allegorical figure of the Englishwoman, justifying extreme reprisals. The civilising mission becomes one in which physical force underlies the discourse of moral influence. Britain's superiority is proven by the 'atrocities' of the natives represented in the press.[27]

The crisis in masculinity and the imperial project had a capillary effect around the empire, and the configuration of the Englishwoman as Virtue, even more so outside the British Isles than within them. In Hobart Town, the young women on the *Constance* coming into the harbour in 1858 appeared bleached and laundered in the collective bourgeois imagination as it devoured the morning newspaper and contemplated the hiring of one or two of the servants on offer. It was not only the physicality of their *class* that had been had been erased but also the attributes of *non-whiteness* that were increasingly being applied to the working classes in British Isles, particularly those of the Irish diaspora. The work of the racial marking of class operated differently in the colonial context and was often eschewed to foreground a racial hierarchy. [28] In Tasmania, it was the convicts who represented the socially disturbing other, rather than the Aborigines who had been nearly erased. But the effacement of the *Constance* women of all markings so that they could be ascribed with the generic attributes of virtue placed them, like the memsahibs, in a vulnerably blank position for other overwritings.

In representing the metaphorical rape of the British imperial ideal as the literal rape of the memsahibs, the mutiny reports violently appropriated Englishwomen as 'the sex'-

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[27] Sharpe, pp. 68, 81

[28] See Sabine Clemm, '"Let us see the natives in their aboriginal condition": imperialism and class in David Copperfield,' paper presented at Histfest 2000, Lancaster University. http://www.lancs.ac.uk/users/history/histwebsite/online/histfest2000/papers/clemm/pdf accessed 12 September 2003. Clemm examines the way racial markings were applied to the English working class in Dickens. Alistair Bonnett argues that while this marking is important for the maintenance of social hierarchy at home, it had to be removed for the colonial context where racial hierarchy was of greater importance. Bonnett, 'How the British Working Class Became White: the symbolic (re)formation of racialized capitalism', *Journey of Historical Sociology,* vol. 11, no. 3, 1998, pp. 316-40, pp. 318-22.

objectifying them as eroticised, ravaged bodies. The only value given to women in these stories was moral purity, introduced as an idea for the sole purpose of its capacity for negation. The rape stories, according to Sharpe, 'have the same effect as an actual rape … they violently reproduce gender roles in the demonstration that women's bodies can be sexually appropriated'.[29] In the *Hobart Town Courier* editorial inspired by the arrival of the *Constance* women, the spectre of vice hovers like a shadow behind the icon of virtue, and sexualised subtexts hover similarly behind benign citations. As in the mutiny discourse the virtue of the women is posited only so that it can be negated; vice is only a veil away:

> -All, when life is new,
> Begin with feelings fresh and prospects high,
> Till time strips our illusions of their hue,
> And slowly, one by one, each grand mistake
> Throws off its bright skin yearly, like the snake.[30]

The editor's apparently innocuous quote, ostensibly referring to the disappointments facing female immigrants, comes immediately after his comment that Tasmania was barely reclaimed from the wilderness, and before one about the possibility of unbearable disillusionment, but it is taken from one of the most erotically charged cantos of Byron's poem, *Don Juan*.[31] The canto begins at the slave market where the Sultan's new wife, configured as a lustful predator, sees Don Juan whom she desires and purchases secretly. She orders her servant to disguise him as a girl and smuggle him into the palace where her unsuccessful attempts at seducing him are interrupted by the arrival of the despotic Sultan. The scene for the following Canto is the seraglio where the harem women discuss whose bed the still disguised Don Juan will share. By counterpoising the virginal immigrants on the *Constance* with the oriental harem – that repository for European male desire, the editor has unclothed them and displayed them to his male readers with their classical educations.[32]

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[29] Sharpe, pp. 66- 67.
[30] *HTC,* 24 August 1858.
[31] From George Byron *Don Juan,* canto V, as cited in *HTC,* ibid.
[32] 'The Eastern woman was the Western man's 'colonial acquisition, but one that he pretended enjoyed his dominion and would mourn his departure.' Rana Kabbani, *Europe's myths of the Orient: devise and rule*, Bloomington: Indiana Press, 1986, p. 81.

On August 18, 1858 the steamer *Oberon* reached the *Constance*. She brought with her the Immigration Officer, John Dickson Loch, armed with registers and forms, pen and ink. Formerly the Aide-de-Camp of the King of Oudh, he left India on the same ship as Caroline Chisholm and had taken an active role in colonial affairs in the twenty or so years since his arrival in Tasmania.[33] In his official appointment, first as immigration agent and then officer, can be seen the concern of the new Tasmanian Government as it tried to grapple with the complicated demography of the colony: too many convicts, not enough virtuous white women; a numerical juggling, class balancing, morality raising act. The discovery of gold across the Bass Strait in Victoria had exacerbated the problem, dazzling Tasmanians into emigrating and draining 'so much bone and sinew from the fallow and the fold'. [34] With increasingly stringent legislation passed in neighbouring colonies to exclude the emancipated convicts known as Vandiemonians, Tasmanian authorities believed they were losing the population they most wished to retain and being forced to retain those they would have liked to have seen quietly slipping out of the colony. Like Greg, who had argued that female servants were crucial to 'a civilized country, particularly England' —so crucial theirs could be considered a 'fruitful celibacy' —, Loch believed that servants were vital to the colony's social cohesion. He warned the government that:

> The scarcity has gone on increasing: it is now serious, and if not remedied will become a great social evil. Women are continually withdrawn from service by marriage, by entering into business, or by leaving the Colony; and the comfort of many families, and valuable time, are sacrificed from the scarcity of servants, and the consequence of it.[35]

Not having servants inverted the order of things; the mistress of a house being either forced to degrade herself by undertaking manual labour, or allowing her household to collapse by spending her days in lady-like pursuits. Moreover, the servants who remained had begun attaching value to *their* time and were demanding higher wages. Loch lamented that paying a servant was beyond the capacity of some prospective

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[33] It was the British annexation of Oudh in 1856 that triggered the Sepoy Rebellion (Indian Mutiny). The Lochs and the Chisholms travelled on the *Emerald Isle* in 1838. Kevin Green, 'Immigration as an Alternative to Transportation: Van Diemen's Land 1852-1855' *Bulletin of the Centre for Tasmanian Historical Studies*, vol. 3, no. 1, 1990-1, p. 134.

[34] Charles Eardley Wilmot, *Six Letters on Subjects of Colonial Interest*. Hobart: Advertiser, 1855, p. 30.

[35] Tasmania. Legislative Council, 'Immigration Agent's Report for Half Year Ending 30 June 1857', T*LCJ*, 1857, no. 21.

employers.[36] The scarcity of female labour was threatening to introduce the kind of servantgalism to Tasmania that *Punch* indicated was becoming the hallmark of the topsy-turvey social conditions of Victoria. It had created, argued Eardley Wilmot, an imbalance of the

> immutable law of Providence, that everywhere while the world shall exist, there must be some dependent one class on the other, each on each, and that mutual dependence is, so to speak, the salt which prevents society from becoming Ishmaelitish and unsavoury.[37]

John Dickson Loch's appointment had arisen from the extreme distrust Tasmanians had in the motivation of the Colonial Office's Land and Emigration Commission in London which they suspected of continuing Earl Grey's scheme; sending out expirees from prisons or prostitutes who had been through reformatories but disguising their provenance. Or else they were Irish. During the first years in this position he monitored the women coming in. There was, he wrote in 1855,

> a great unwillingness on the part of the Colonists to engage Irish servants, who are considered generally as an inferior description of labour, and concerning whom constant objections have been made as being Roman Catholics, the bulk of the employers being Protestants.[38]

In 1856 he complained that the women sent by the Emigration Commissioners were 'rough' and 'ignorant.' They had no knowledge of domestic service. Their 'incorrigibly dirty and slovenly habits and unwillingness or incapacity to receive instruction' made them untrainable. Out-door workers and women from Irish Unions were, he said, not wanted in the colony. Even though he acknowledges that 'a large proportion of the women were of fair character and a few of superior character,' this did not mitigate his impression that they were frequently 'taken from a very low class'.[39] Loch's application to the Family Colonisation Loan Society for the selection of female emigrants had been

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[36] Ibid.
[37] Wilmot, *Six Letters on Subjects of Colonial Interest*, p. 29. The fear of servantgalism in Australia is in a piece 'Domestic Hints from the Antipodes', *Punch*, vol. 24, 1853, p. 152.
[38] Van Diemens Land. Legislative Council, 'Half-yearly Report of the Immigration Agent, December 1854'. VDL *LCJ*, 1855, no. 7, p. 2
[39] Ibid, p. 2

one of the first actions of the new Colonial Government in trying to redress the shortcomings it perceived in perfecting bourgeois respectability in the colony.

Loch, for Alice Gordon and her fellow passengers, was not only the first emissary from the place of their new beginnings, but also the man to whom they could voice complaints about the voyage and their preferences for the future. He was a long-winded man in his early fifties, earnest, painstaking and kind.[40] To him, Alice Gordon was able to refine her original self-description of general servant to that of parlour-maid which was more likely to position her with a high-status family.[41] The women were less shy now about their expectations than they had been when tailoring their applications for a passage. Loch showed considerable leniency in the redefinition of occupation, but some demanded considerations that were in direct contravention of the contract for their tickets. His task of interviewing each of the 129 bounty women was compounded by the 'strong disinclination' of many of the women to proceed to Launceston, the destination indicated on over a third of their bounty tickets. Even these he tried to accommodate, telling them that if they could find other women prepared to take their places they could do so. 'About dusk, however, there remained about twenty wanting', he wrote in his report, and it seemed hopeless to find more. 'A dance was however commenced on the poop, and having suggested certain arguments to the Captain and Surgeon I requested them to go among the women and enforce them. The result was that before I left the ship about ten … all but two of the changes had been effected. To those two I gave private directions they should be kept back when the others were called on board the 'Oberon'.'[42]

Although the terrifying storm that had marked the end of their journey may have 'strongly disinclined' the Launceston women from undertaking yet another voyage, the reason most of them gave for wishing to disembark in Hobart was that they had connections in the south. Given that they were being selected for service, Loch says 'it is unlikely they would have brought the fact of friends or relations in the colony to the notice of the Society … on the contrary, probable that it would be concealed'.

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[40] Mr Chapman, MLC called him 'one of the most fussy, troublesome men that he had ever had to do within all his life.' *HTC*, 30 January 1856.
[41] AOT CB7/12/8 p. 221.
[42] T*LCJ*, 1857, no. 21; AOT CSD 1/130/4771.

> The emigrants were sent out upon blank bounty tickets issued to the Secretary of the Society and he was furnished with particular and positive instructions, through myself, to forward single females, *not* as relations or friends of colonists but for general engagement by the public as domestic servants, to supply the urgent demand for labor of that description. They obtained their passage upon this understanding at the public expense, and it is particularly to be observed that they were not in any case whatever sent for by the relatives whom some of them are now found to have in this Colony.

Had the Secretary known of these intentions to join relatives and friends 'he could not have given her a passage without a wilful misapplication of the funds appropriated for the introduction of domestic servants'.

> Let it be imagined that every young woman on board the Constance had found a relation able and willing to support her at home, what opinion would the public who expected servants for general engagement have passed upon the expenditure of their money?' [43]

Bounty ticket no. 55 was for Hobart, and Alice Gordon was not willing to exchange it.

Loch, writing up his report, did not leave his office until midnight. No time to read the English papers, and absorb the latest information on the Indian mutiny, and the details of the women and children massacred in Cawnpore, where he had married his wife twenty-four years before.[44]

The public was presented with a glowing report of the ship and the passengers. The *Mercury* announced the high esteem in which the emigrants held the Captain, Surgeon and Matron, described the ship as second to none in cleanliness and good discipline, and the passengers as cheerful and in good health.[45] Their health was indeed to be celebrated. The last two emigrant ships had arrived with typhoid fever. But if the ship was clean now, a silence surrounded its deplorable state during much of the voyage, nor was it hinted that impending inspection on arrival had provoked the Surgeon, Dr Bone, into organising the women into a thorough scrubbing. No mention was made of the fact that the Captain and Dr Bone both denounced the Matron, Maria Tillard, for her negligence, precipitating the halving of her meagre allowance.

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[43] AOT CSD 1/130/4771.
[44] AOT CSD 1/130/4771. 19 August 1835. Marriage announcements in *East India Register*, 1835.
[45] *Mercury*, 19 August 1858.

The emphasis on the virtue of the immigrants continued for some days after their arrival. There was a report on a special service conducted on the 22nd by Reverend T Gellibrand. This mild, High-Church Anglican who, in his youth, had surprised his fellow scholars at Oxford by telling them bluntly 'that his father had been "eaten by the Port Phillip natives",[46] now delivered an address which was listened to with 'most earnest and respectful attention', by the young women who then sang a psalm 'in a superior manner'. 'Their religious duties', commented the paper, 'had evidently not been neglected during the voyage. These emigrants are said to be of an unusually respectable class.' On August 19, a steamer brought the fifty or so young women who had not either gone to Launceston, to friends, or to prearranged employers, onto shore. They were lodged at the Immigration Depot where, on 24th August, the hiring began. The young women, according to the *Mercury*, soon recognized the demand they were in and 'manifested an extreme fastidiousness in their selection of places'.[47]

Before the month was out the iconic status of the *Constance* women had begun to tarnish. Mary Ann Jones was accused of pick-pocketing a leather purse and valuable papers. Eliza Wills was brought before a magistrate in October 1858, having stolen a bottle of wine from her employer who said 'he could hardly conceive anything worse than Wills' character'. She came by the *Constance*, and he had taken pains to recover property she had lost; she had been often drunk, once on a Sabbath evening; she was also a liar, and he (Mr Owen) had done all he could to reclaim her, but without effect.' She was sentenced to six months imprisonment with hard labour. In November Sophia Weber, ex-*Constance*, was charged with unlawfully absenting herself from the service of her employer. She said she had not realised she had done anything wrong. She was a widow; this was the first time she had been in service, and she had found a situation that suited her better. Early the next year Mary Beeson, who was one of the ones to have gone to a relative, was charged with forgery in the Supreme Court. She had left her sister's house to live with a man at the *Lord Melbourne* public house in Melville

[46] *Letters of Thomas Arnold the Younger, 1850-1900*, ed. James Bertram, Auckland: Auckland University Press, 1980, 1854, p.51.
[47] *HTC,* 24 August 1858; *Mercury*, 20, 25 August 1858.

Street, but obtained credit by representing herself as her sister. In a state of delirium tremens she handed letters she had stolen to Dr Bright, who had been called in.[48]

The construction of the virtuous young women on the *Constance* and the constant presence of the convict past created a climate of continuous surveillance and ongoing competing narratives. In 1861 a Select Committee was appointed to enquire into Tasmanian government-sponsored immigration. Overwhelmingly, it focussed on single female immigration. To some bourgeois men, the very act of migrating placed single women beyond the pale. Reverend Benjamin Drake, told the Committee:

> If single females come to this Colony in serious numbers without relatives, they come for other purposes than earnest and honest servitude, or a well directed virtuous purpose of improving their position in life.[49]

The tone of the whole inquiry seemed to be predicated on this position. A posse of missionaries and police had tracked down female immigrants who had arrived on ships during the previous three years. 'A great number' of them lived in 'low public-houses, and other suspected places, ' the Superintendent of Police told the inquiry, while a city missionary, J H Smales, said that,

> The old hands, I mean the old female Convicts, have come to me complaining that now the Immigrants have come out they cannot get employment in prostitution, and wished to get into the Penitents' Home; but that is not the place for incorrigibles.[50]

The immigrant women by now were being firmly located within the same category as the convicts they had been imported to replace. 'Australias', whose tone of voice was so close to that of Reverend Drake as to be barely distinguishable, had a letter published in the *Times*. 'Sir', it began,

> transportation has not ceased in Tasmania while the present system of emigration is carried out in England. In place of respectable household servants – girls, even, of decent character, our immigrants are scourings of reformatories and the very refuse of low life.

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[48] *HTC*, 14 October, 11 November 1858; 25 February, 13 April 1859.
[49] Tasmania. House of Assembly. 'Select Committee to inquire into Immigration', H*AJ*, 1861, no. 150, p. 13.
[50] Ibid, pp. 6, 10.

Tasmania had embraced emigration, 'rejoicing that as criminality passed away respectability would be permanently established'. However the colony now had,

> almost as much vice thrust upon us … as in the days of convictism, the only difference being that the law held immense power over Crown prisoners, and our contaminating immigrants have liberty. In the community like this the evil is extreme. What fitting nurses to guard and tend children, what fitting servants to live within the household are these incorrigible black sheep, – those whom reformatories cannot tame, and so send away because unmanageable!

The ships with 'their contaminating influences' were 'unfit to convey respectable servants' and ' a foul temptation' was 'offered to virtue by its association with guilt'. The current system was damaging the relationship between colony and mother country:

> Naturally, English hearts are indignant at such un-English treatment, and naturally, Sir, they rely on the aid of your powerful pen to secure English justice.[51]

Although out of approximately six hundred bounty immigrants, the Committee was only able to locate twenty-one women who were living what they believed was a profligate life, the Select Committee's findings in 1861 brought to the surface a narrative that, far from seeing young female immigrants as being 'whitened' in the transition between home and colony, imagined the voyage as a contaminating process. It was a narrative that fed into anxieties about servants predicated on the convict experience, and it sufficiently undermined the narrative of female migration as an enhancer of colonial virtue to ensure the immediate end of mass bounty immigration for women to Tasmania.

[51] *Times*, 19 February 1861, p. 5.

PART TWO

MARKING HER TERRITORY

CHAPTER FOUR

FIRST POST

Alice Gordon was not among the initial batch of women hired in response to an advertisement in the press on the day the *Constance* docked.[1] She and a few others stayed on at the Immigration Depot on Hunter's Wharf.[2] From the moment they stepped onto dry land they were no longer the responsibility of the Captain and Surgeon. John Loch, as agent of the Tasmanian Government, was their allocated protector until they were signed over to their new employers - or to friends and relations for those to whom they had so conveniently materialised. Their virtue was in his hands; the Depot operated like a parody of an Indian zenana from which the women were only allowed to emerge under the strictest chaperoning. His task was made all the more difficult by the resistance of his charges. In the past, Loch had expressed some regret that the young women, arriving free in this ex-convict colony, regarded his officials 'more as gaolers than protectors', a prescient comment from them, given that they would be subject to a Masters and Servants Act that closely replicated the relationships of a penal colony.[3] It was a rare thing for a servant to turn this Act to her advantage. But Alice Gordon did.

Was it John Loch himself who recommended Alice Gordon to her first employer? Both were ex-India men, and both had reason to feel resentful of their treatment in the Colony.[4] I imagine employer and servant walking the short distance from the wharf to their destination: Major Hugh Calveley Cotton, a tall man, sixty, bowed down by too many disappointments; Alice Gordon, at last leaving the confines of the Depot and

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[1] *HTC* 19 August 1858; Immigration Board. Nominal list of persons supplied with rations at the Immigration Depot with details of immigrants admitted and discharged. AOT CB7/21, Bk 2.

[2] The arrival of the *Constance*, with an apparently well-selected list of immigrants on board, has … given some animation to the week's business in Hobart Town. These immigrants have been so well spoken of that the greater number of those who were available have been hired within a few days at good wages.' *HTC*, 27August 1858. On 28 August, Loch was still trying to find positions for one governess, one housekeeper or general servant who had her daughter with her, two nursery governesses, and six housemaids/needlewomen. *Mercury*, 28 August 1858.

[3] *LCJ*, 1857, 21.

[4] Loch and Alice Gordon's first employer, Hugh Cotton, were also both senior officers in the Tasmanian Public Service; treated so shabbily by that organisation that they would leave the colony within three years. Loch's services as Immigration Agent were dispensed with at the end of 1858 and he was transferred to the position of Accountant of Stores on reduced pay. AOT CSD1/ 1/ 134/4877.

taking in the contours of the place that would be her home for the next twenty years. Each taking the measure of the other. Measuring was Major Cotton's metier. His initial appointment in the colony had been that of Deputy Surveyor-General,[5] an occupation that positioned him as a crucial agent of empire. His roods and perches were the tools of an elaborate framework legitimising, both materially and symbolically, the ownership of property on the island.[6] Major Cotton was less adept at measuring people. Did he consider his servants as people at all? He is certainly unlikely to have recognised the strength of personality and sense of entitlement housed in the figure of the young Alice Gordon.

It was Macquarie Street they walked up, the town's premier thoroughfare, named by the Governor after himself, on that original grid:

> T'was said of Greece two thousand years ago,
> That every stone i' the land had got a name.
> Of New South Wales, too, men will soon say so too:
> But every stone there seems to get the same.
> 'Macquarie' for a name is all *the go*:
> The old Scotch Governor was fond of fame,
> Macquarie Street, Place, Port, Fort, Town, Lake, River:
> Lachlan Macquarie, Esquire, Governor, forever! [7]

It ran from the dockside district of Wapping to the foothills of Mt Wellington. At one extremity lay 'nuisance' industries such as the gasworks, the slaughterhouse, soap factories and tanneries.[8] Nightsoil was dumped here in the hope that the Hobart Rivulet

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[5] Mitchell Library 042 P380 in AOT Correspondence File, H C Cotton. Hugh and Louisa arrived in the colony per *Derwent* with six children, five Scottish servants on 10 November 1842.

[6] For an in-depth analysis of the role of surveying in colonisation and displacement see Simon Ryan, *The Cartographic Eye: how explorers saw Australia*, Cambridge: Cambridge University Press, 1996 and J B Harley, 'Maps, Knowledge and Power', *The Iconography of Landscape*, eds. Denis Cosgrove and Stephen Daniels, Cambridge: Cambridge University Press, (1988) 1994, 277-312.

[7] Van Diemens Land was being governed from New South Wales in the Macquarie period. John Dunmore Lang, *Poems: Sacred and Secular;* Sydney: William Maddock, 1873 pp., 153-156. Lang's writings cover almost every issue of the time, including his virulent opposition in 1848 to Caroline Chisholm's female emigration scheme which he saw as 'extending the Romanism of the colony through the vile, Jesuitical, diabolical, system of “mixed marriages”'. Cited by Michael Roe, *Quest for Authority in Eastern Australia, 1835-1851*, Parkville: Melbourne University Press, 1965 p. 137.

[8] The Wapping History Group, *Down Wapping*, Hobart: Blubberhead Press, 1988, pp. 64-76.

would wash it out to sea. This was the domain of the poor and the transient. At the other extremity lay what was currently the Female House of Correction, and would later become a more general disciplinary depot for those the colonial and city fathers wished out of sight. But at its civic heart Macquarie Street was Hobart's most prestigious address.

The Macquarie Street that Alice Gordon and Major Cotton walked up that day attested to a colony in transition. Walking southwesterly up its gentle slope they passed the newly completed Italianate town hall, 'worthy of Venice' with its 'large and well-proportioned ballroom', to which would be added an excellent free library, and a reading room liberally supplied with British and colonial periodicals and newspapers'. Soon the adjacent paddock would be paved and planted, with fountains and statues of eminent men, a future employer of Alice Gordon's among them; but for the present it contained the ruins of old government house and a visiting menagerie: a lion, 'King of the Beasts' and 'Hercules, the Monster Bengal Tiger'. 'Young Tasmania will now have a chance to see the denizens of the wilds of Africa and India under safer, if less exciting , circumstances than those encountered by Mr Bruce, Mr Cumming, or Dr Livingstone,' commented the *Mercury.*[9]

On the other side of the street was St David's Cathedral, affirming the position of Anglicanism and established social hierarchy in the face of Catholicism and Dissenters and republicanism .[10] At least three of Alice Gordon's life events would be played out here. For the Major, though, St David's would be a daily reminder of his ongoing warfare with the current Bishop.[11] Across Murray Street, as the Major and the servant continued, the old gaol was in the throes of demolition and would soon be replaced by tall, ornate sandstone buildings accommodating lawyers' chambers and other professional consulting rooms, and a few doors up the elite Tasmanian Club. It was in this block that the Cottons leased a house, adjacent to the Temperance Alliance Rooms.[12]

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[9] James Smith 'Tasmania – descriptive sketch', *Picturesque Atlas of Australasia,* Sydney: Picturesque Atlas Publishing Co., 1886, vol. 2, p. 103; *Mercury,* 20, 21 August 1858.
[10] See the arguments put forward by Roe, *Quest for Authority, passim*.
[11]See deputation *HTC*, 9 June 1852, and a public meeting called by Cotton. *HTC*, 12 April 1854.
[12] 20 Macquarie Street, leased from Alice Wilson. *1858 Valuation Rolls for Southern Tasmania: including the districts of Franklin and Hobart*, comp. Trudy Cowley, Hobart: Research Tasmania, 2005.

Temperance was a subject close to the Major's heart; temperance, not abstinence , a glass of wine with a meal in the dining room was quite a different thing from its consumption below stairs.[13] Today the Rooms were being prepared for a public tea meeting to celebrate the laying of a foundation stone for a Ragged School. 'Those who are trained up with the fear of God in their youth,' Henry Hopkins, the man wielding the trowel had told his audience earlier that day, 'turn out well in their mature years'.[14] If the coaxing, moulding, threatening of the Welsh into homogeneity had been seen as essential for the unified project of empire, how much more was this the case for a population of convicts and their children?

Major Hugh Calveley Cotton had been born into an aristocratic family whose members were key players in the British Empire. His uncle, Stapleton 'Lion d'Or' Cotton (Viscount Combermare), had served at the Cape 1795; at Madras in 1799, vanquishing the forces of Tippoo Sahib at Malavelly and Seringapatam; led forces as Lieutenant -General under the Duke of Wellington against Napoleon at Salamanca; was Governor-General of Barbados in 1817, and Commander-in-Chief first in Ireland then India (and was lampooned for his vanity by Thackeray).[15] But Hugh was a middle son in a family of fourteen children; and although three of his eleven brothers were considered sufficiently distinguished to warrant individual entries in the *Oxford National Dictionary of Biography*, and two more were named, Hugh was not one of them.[16] He appears a rather charmless man, socially awkward, quick to take offence, arrogant, autocratic and unprepared to admit to faults.[17]

Alice Gordon's first interchange with her mistress is most likely to have taken place in the drawing room, a key space in the performance of class identity. The setting, its furnishings, ornaments and their arrangement, as well as their polish and gleam, spoke volumes about the mistress of the house. 'One's self', mused the fictional Madame Merle in *Portrait of a Lady*,'overflows into everything that belongs to us – and then it

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[13] *HTC*, 4 July 1854; *Mercury*, 5 July 1854.
[14] *Mercury*, 23 August 1858.
[15] Craig Thornber, 'The Cottons of Combermere Abbey', http://www.thornber.net/cheshire/htmlfiles/combermere.html accessed 1 August 2008.
[16] The entry for Hugh's brother Richard noted that all the brothers had gained some distinction in the church, army or navy. The entry also notes 'there were also three daughters'; Peter B Nockles, 'Cotton, Richard Lynch (1794-1880), *ODNB*; H M Chichester, 'Cotton, Sir Sydney John', rev. James Lunt, *ODNB.* A J Abruthnot, 'Cotton, Sir Arthur Thomas (1803-1899)', rev. Peter L Schmitthenner. *ODNB.* Named were Admiral Francis Vere Cotton and General Frederic Cotton.
[17] See *HTC* 12 April, 4 July 1854.

flows back again'. The tastefulness of the mistress's dress: understated, fashionable and high quality, spoke eloquently of her class.

> It is hard to draw the line between person and dress as between mind and matter, and there is, perhaps, no form of matter into which, and by which, mind can infuse more subtle and incalculably radiating influence. [18]

By interviewing her servant in this setting, the mistress reinforced her centrality to her surroundings. She would be seated comfortably, the room her prosthetic web. Had Alice Gordon been a more senior servant, a housekeeper, perhaps, or a governess, a hard chair would have been brought in for her. As it was, she would have been required to stand throughout the interchange.[19] Louisa Cotton's pedigree was just as elevated as her husband's. She was Scottish, a Brodie of Brodie, whose father had missed inheriting the Lord Lieutenancy of Nairnshire by drowning off Madras. Her mother's second marriage had been to Lieutenant-General Sir Thomas Bowser, Commander-in-Chief of the Madras Army.[20] These certainties of social and military rank would have been embedded in the way Louisa Cotton demarcated boundaries between herself and her employees. And her formative years as a privileged member of a ruling family in India followed by fifteen years of running her own household there when her husband was managing massive irrigation projects in Tanjore and Agra would have further emphasised these power structures. The role played by the memsahib in India situated the domestic sphere as one of the key legitimising sites of colonial rule. Of the twenty-five or more servants a memsahib of Louisa Cotton's status would have had, it is unlikely that any other than a possible ayah would have been a woman, so that by her every household command, the superiority of the English – *even* an Englishwoman – , over Indians – *even* Indian men, was reinforced. [21]

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[18] Henry James, *Portrait of a Lady*, quoted in Athena Vrettos, 'Defining habits: Dickens and the psychology of repetition', *Victorian Studies*, Spring, 1999/2000, vol 42, issue 3, pp 399-426, 411.

[19] In Oliné Keese's *Broad Arrow,* a social realist novel, set a decade earlier in the same street, the master of the house (in the absence of the mistress), tells his new servant exactly where to stand (near the door) while he issues commands. His niece, aware that the servant, although a convict, is middle-class, mouths to him to please let her sit down. He refuses. Oliné Keese, *The Broad Arrow: being the story of Maida Gwynnham, a 'Lifer' in Van Diemen's Land,* North Ryde: Eden, (1859) 1988, p. 129.

[20] James George Smith Neill, *The Honorable East India Company's First Madras European Regiment* London: Smith Elder, 1843, 547

[21] Englishness was exalted, Indian men were feminised, all the while preserving the colonising Englishman's public sphere untainted by domestic involvement. Ann Laura Stoler makes this point about the constitution of European identity, or whiteness, in the colonies; how the English and other colonisers 'cultivated their distinctions from those to be ruled'. Ann Laura Stoler, *Race*

The woman who now interviewed Alice had left India eighteen years before. Unlike her brother-in-law, she had not brought Indian servants to Van Diemen's Land, but had arrived in the colony with five Scottish servants, having spent time 'At Home' before coming out.[22] These may have come from her family's estate, born and bred into a hierarchical relationship with their mistress. By bringing her own servants to Van Diemens Land, Louisa Cotton was creating a buffer between herself and a penal colony where servants were, for the most part, either assigned convicts or former convicts and, more importantly, part of an existing culture. Servants from Scotland without associations in Van Diemens Land were far more dependent on their employers and less likely to get into 'bad company'. Employing a newly arrived female immigrant like Alice Gordon was a higher risk. Although not part of the convict culture, her life had not been entwined with that of the Cottons, and for several months she had been closely associated with a large number of other prospective servants of unknown background.

Alice Gordon stood while all these comparisons were being made by the woman, the *lady*, under whose scrutiny she now had to compose an acceptable demeanour. For it was not just the *labour* of the servant that was required but also loyalty, an attitude of submission, obedience and respectfulness. She was to appear willing but not bold, quiet but not sullen or secretive. Although 'in the know' she should never presume to comment on family matters. The actual, unavoidable, daily intimacy of the relationship between mistress and servant had to be denied through strict regulation. 'Never stoop to the degradation of making companions and confidants of your servants,' one household manual advised mistresses. If they were treated as equals, the servants would become spoilt and the mistress would debase herself.[23] The working-class servant had to be domesticated and Colonised into a bourgeois ideology, observing the values of her ruling-class employers and submitting to her own position on the social scale. The natural order had to be asserted in the domestic sphere. Home lay at the heart of the civilizing mission that was so crucial to Tasmania's place in the empire.[24]

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and the Education of Desire, Durham: Duke University Press, 1995, p 99; Ann Laura Stoler, 'Cultivating bourgeois bodies and racial selves', in Catherine Hall (ed.) *Cultures of Empire: a reader,* New York: Routledge, 2000, pp. 87-119; Nupur Chaudhuri, 'Memsahibs and Their Servants in Nineteenth Century India', *Women's History Review* vol. 3, no. 4, 1994, pp. 549-562, pp. 550-553.

[22] *1841 Scotland Census*, General Register Office of Scotland, Dyke, Moray, p. 9.

[23] Cited in Elizabeth Langland, *Nobody's Angels: middle-class women and domestic ideology in Victorian culture,* Ithaca: Cornell University Press, p. 51.

[24] Stoler, *Race and the Education of Desire*, pp. 98-101.

Entering service was not like other kinds of employment. There was no going home at the end of the day. 'Have you ever *lived* as a parlour maid?' a mistress asks her personal maid in Wilkie Collins' *No Name*.[25] A parlour maid was at the beck and call of her employers almost without break.[26] Alice Gordon's days would begin well before breakfast and continue until ten or later at night. But if her temporal presence in the house might have seemed endless it was, like her spatial occupation of the house, tightly regulated. Her orders would calibrated to the finest detail. They would define where she could be in the house and when she could be there, how she moved, how she dressed at different times of the day, how she spoke and how she was spoken to, what she ate, and when she rose and when she went to bed and when she was allowed to go out. And this regulation was designed not only so that the work was done, but also, through every movement, to reinforce the social hierarchies of the household, to ensure, in particular, that the servant knew her place. [27]

But the occupation Alice Gordon had selected to define herself by in the colony placed her in a very particular and elite market in Tasmania, and also a complex, but passively powerful position in the household. It was, first and foremost, an occupation that would almost certainly give her either an urban posting or one in a large house in the country. It was, furthermore, an occupation for which there was no demand in Tasmania where the 'servants wanted' advertisements barely deviated from housemaids, cooks, nursemaids, general servants and laundresses. No female domestic servant faced such paradoxes of interface and invisibility as did the parlour maid. Moreover, her movements and duties were occupied in twilight zones between public and private spheres and between 'upstairs' and 'downstairs'.[28] She was the holder of knowledge

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[25] *All The Year Round*, November 29, 1862, pp. 265-272, p. 269. My italics.

[26]'Half a day off a week, and a whole day once a month, although not necessarily with any regularity. Do not give a fixed date for the servant's monthly day off', one guide advises mistresses, but rather arrange it for a time that is least inconvenient. Cassell's *Household Guide to Every Department of Practical Life: Being a Complete Encyclopedia of Domestic and Social Economy*. London: Cassell, c1880, p. 102.

[27]Ian Burkitt, drawing on Pierre Bourdieu, emphasises the co-relationship between the production of geographic and social space in the consolidation of 'structures of power and difference'. Ian Burkitt, 'The Time and Space of Everyday Life', *Cultural Studies,* vol. 18, no. 2/3, March/May 2004, pp. 211-227, pp. 213-4.

[28] Susan Gal argues that the notion of public/private can be endlessly recalibrated so that the distinction that separates the home from the external domain can be reapplied to the interior. But this goes beyond the labelling of spaces, such as the hall, being public and others, such as the bedroom, being private. Each space 'can be recalibrated using the same distinction – by momentary gestures or utterances, voicings that are iconic of privacy and thus create less institutionalized and more spatial divisions during interaction'. Susan Gal, 'A semiotics of the

about the household. She screened every visitor, watched and heard every conversation and interaction at family meals and dinner parties. It was she who tidied documents that lay on desks and emptied waste paper baskets containing half-finished drafts. She had access to newspapers before she prepared them for her employers and she saw their reactions to letters she delivered to them on a silver tray.[29]

A parlour maid was the household's public face. Cassell's *Household Guide* stresses that her tidy appearance, clean hands, manners and speech were of the utmost importance: 'A servant of good address at a professional man's door, is as much a matter of personal recommendation of the employer as the situation of his residence.' Dressed in dark twill, or a lighter cotton in summer, and a white apron – not to protect her dress, but to prevent any misapprehension that she might be the mistress or daughter of the house – she would answer a knock at the door having already ascertained from her employers whether they were 'at home' or not. She would ask for the visitor's name, or card, and usher them into an unoccupied room, prepare a chair for them, stoke the fire and raise the blinds. If they were going to have to wait she might provide them with reading matter and arrange some refreshment for them. [30]

It was above all the parlour maid who knew every nuance of etiquette: the laying of the damask table cloth so that the raised creases faced upwards, the precise arrangement of cutlery for each course and type of food, of glasses for each wine, the folding of napkins. It was she who needed to serve the food in its proper sequence from the left, and be aware of when it was time to remove the dirty plates from the right. And it was she who needed to know how to pour which drinks when. Each meal had its own rules which varied according to who was present. But all the immaculate presentation of the parlour maid when she was ushering visitors or serving meals was underpinned by long and hard work behind the scenes.[31] In order to be presentable in time to serve the family's breakfast, she had to complete any work that was likely to soil her hands or

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public/private distinction', *differences: a Journal of Feminist Cultural Studies,* vol 13, no 1, 2002, pp. 77-95, p. 82.

[29] For an excellent analysis of anxieties surrounding surveillance by servants see Brian McCuskey, 'The Kitchen Police: servant surveillance and middle-class transgression', *Victorian Literature and Culture*, vol. 28, no. 2, 2000, pp. 359-75.

[30] Cassell's *Household Guide*, p. 268.

[31] Although these are the prescribed duties of a parlour maid, often she would have to stand in for other servants and might find herself responsible for cleaning the rest of the house – making beds, emptying and washing out chamber-pots, fetching and carrying water, etc. Needlework would have been part of her remit in any case.

clothing – dusting, cleaning plate, polishing furniture, trimming lamps, laying fires in the public rooms – in time for her to wash and change and prepare the breakfast table:

> At the end of the table, where the lady presides, the cups and saucers should be arranged on either side, having her plate in the centre. The teapot should stand just behind, and the milk-ewer, slop-basin and sugar-basin at the back of the teapot. If an urn or bright kettle is used it should be placed within easy reach of the mistress's right hand. In most families the loaf and butter are placed on the breakfast table, also a rack of toast, a stand of eggs, and some plates of cut bread and butter. Hot meat is likewise set on the table opposite the master of the house, and cold meat on the side-board.[32]

The occupation of any of the public rooms by the family had to be anticipated by the parlour maid: curtains drawn, furniture arranged, surfaces dusted, windows opened, fires stoked, ornaments tidied. And she moved again in their wake, clearing tables, restoring order, washing up, pressing linen, sweeping crumbs, removing wine stains. Supper was served at nine or ten at night. Visitors, after whom she would lock up, often left much later.

If it was Mrs Cotton who managed the daily running of the household it was Major Cotton whose nominal role it was to impose moral mastery and a semblance of overall cohesion. In the census year of 1851, the first to be taken empire-wide, members of a household were obliged for the first time to state their relationship to the 'head' of the family. It was a move that naturalised the idea of the family as a social hierarchy, the notion of servants as a natural part of that family structure (rather than that of their own relations), and of the most senior-ranking man as occupying the premier position. This man, the head, embodied reason, in contrast to those under his protection who were subject to the vagaries of the flesh. The hierarchy was reinforced in several ways but notably through the master's role in the institution of family prayers. Just as British regents were endowed with the divine right to head God's church on earth, the paterfamilias, through the regular call to prayers, was able to uphold his position as head of household. In this way the servants were drawn into his protectorate, not quite

[32] Cassell's *Household Guide*, p. 268.

as members of his own family, some of whom would one day inherit his position, but as subjects without citizenship, bound to his moral guidance and authority. [33]

In India Major Cotton, as an engineer, had moved between civil and military service but, as many upper-class Anglo-Indians found, the climate was arduous, illness and death never far away. Memsahibs hovered uneasily between their duty as wives and their duty as mothers. Service in India was punctuated by periods of sick leave and visits 'Home' to abandon babies into the care of relatives, acquaintances and later (in the case of boys), public school education.[34] Cotton's resignation from a promising career in service in India appears to have been a domestic decision, although he exchanged one kind of service for another.[35] Van Diemen's Land, though, would never be the jewel in the crown that India later became. Each colony was seen by the Metropole as having a particular function and the imperial idealism was hard to retain from the vantage point of a penal island. The Major began with great visions for the colony: government-owned and government-run irrigation and water supply projects including domestic water for all houses, gardens and pastures 'and a head of water power to almost any amount to all attainable'. 'How could prison labour be more profitably employed ?', he who had commanded hundreds of coolies in Madras and Agra asked the audiences around the colony to whom he lectured.[36]

Over the next few months Alice Gordon would hear more and more of the threaded lives of the Cottons as she stood to the left of them to serve kedgeree at breakfast and roast potatoes and peas at lunch; and to the right as she removed dirty plates with knives and forks paired with military precision at a half-past six angle; while moving in and out of the withdrawing room with trays of cups and saucers and fresh kettles of boiling water, and listening to the gossip in the servants' hall. Did the interior of the house reflect the Indian years: embroideries and prints, brass gongs, carved sandalwood chests, side tables inlaid with ivory and mother of pearl, marble boxes inlaid with semi-precious stones, papier-mâché trays and silver-backed hair-brushes?

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[33] See Lenore Davidoff, *In the Best Circles: society, etiquette and the season*, London, Croom Helm, 1975, p. 35; Langland, pp. 54-56.

[34] Louisa appears to have gone 'Home' for births when possible and later constellations of the Cottons show a patch-working of families, children living with aunts and/or grandparents. Census for England and Wales, 1871. PRO RG 10/ 1234/14/21 & 1881. PRO RG11/1183/115/25.

[35] Mitchell Library 042 P380, in AOT Correspondence File: H C Cotton.

[36] Cited in Margaret Mason-Cox, *Lifeblood of a Colony: a history of irrigation in Tasmania,* Hobart: Rivers and Water Supply Commission, 1994, pp. 104-5.

Was it tiffin they had at eleven in the morning, and mufti they wore when no guests were expected?

By the time Alice Gordon came to work for the Cottons, any of their early enthusiasm for the colony had long evaporated. They had endured years of tragedy and dwindling fortunes. In 1849, their daughter, Caroline Jane, died aged fifteen; followed, less than two years later, by her elder sister, Ann Louisa, who died at twenty-two.[37] The arrival of the Cottons had coincided with a deepening economic depression in the colony and Hugh's position was abolished within a year of his arrival. He was never to regain a substantive public service position for more than a year or so at a time. The disjunctions of imperial and local politics, the withdrawal of convict labour and concomitant decline of large projects, and Cotton's inability to get on with those around him blighted a career that reached its nadir in 1856.[38]

If Alice Gordon had come to Tasmania seeking a new and bright future, she would have soon found she had entered a household bathed in a despairing gloom; the weight of the past dragging like convict chains, the colony a dead end. I imagine Major and Mrs Cotton sitting in silence, curtains drawn, clock ticking. But there were others in the house, younger blood. One of their two sons was in Hobart at the time and may have been living at home with his surviving sisters, Fanny and Isabella, aged twenty-five and twenty-four.[39] They were Alice's age, though such comparisons between servant and daughters of the house were not to be made. She may have sewn fine fabrics into gowns for them, but she herself had to wear plain cottons and serges. She may have been party to descriptions of the government balls, but she would never receive an invitation. Although Alice was behind the scenes, behind *their* scenes, though not, of course her own, the presence of young blood meant that there were futures in the air, plans being made. Movements. Even Major and Mrs Cotton, sixty and fifty-seven, sought to shake themselves out of the inertia that had befallen them.

The catalyst that led to the Cottons' departure from Tasmania within a year of Alice Gordon's arrival was a civilising mission that the Major had no wish to undertake. The

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[37] *HTC*, 12 January 1849; 27 November 1850.

[38] See Mason-Cox, pp. 105-7. While his brothers Arthur and Frederic were employing 10 000 people to build their monumental weir in South India, Hugh Cotton's position in the Survey Department became increasingly untenable and during a Legislative Council Select Committee Inquiry in 1852 his competency was questioned resulting in his removal from the Department.

[39] Henry, twenty-seven, was an ensign in the 68th Regiment. AOT Correspondence File: H C Cotton.

initial position he had been appointed to in 1842 was crucial to the project of empire in the colony, and would have enthused a different man. In this transitional phase between penal and free colony, the moulding of useful citizens was seen as the key to the development of a bourgeois society. It was a process in which Alice Gordon would herself be actively engaged, both as subject and agent, throughout her life in the colonies. But for Major Cotton it was adding insult to injury of his professional reputation. This socially inept but practical man, at home with theodolites, landscapes, rocks and water levels, was appointed to the position of acting inspector of schools, part-time. A more ill-qualified candidate was hardly to be imagined, Maxwell Miller, proprietor of the *Tasmanian Daily News*, indicated in June 1856 when the appointment was announced. The irrigation engineer was so obviously '*not* the right man in the right place'. The *Courier*, too, expressed itself 'not well satisfied'. He would not be able to leave behind his 'partialities and prejudices'; his ineptitude had been demonstrated:

> in the careful education of the youthful generation, and not so much in anything that may be done for the existing adult population, is involved to the future destiny of Tasmania, and her station as a colony amidst the southern communities. The Major is an elderly and experienced Christian and a philanthropist. But he has a most responsible task devolved upon him, and we do not think he is one of that fry, who can find the strength and energy to meet the responsibility adequately, and to the future welfare of so many thousands of Tasmanian children. [40]

Cotton himself railed against the government's baseness in not placing him in a position commensurate with his skills and training, even when such places became available.[41]

The appointment set him up for particular failure because of the comparisons that would be made with the man who had suddenly vacated the position. If one name were to stand out in relation to nineteenth-century education and culture in Britain's empire, it would be Arnold. Moreover, the Arnolds were involved in developing both a liberal education that prepared young gentleman for imperial administration and a parochial education that shaped the expectations and usefulness of the working classes and indigenous populations. Thomas Arnold, second son of Dr Arnold of Rugby fame, had the youth, background, imagination and reformist enthusiasm to design an education

[40] *HTC*, 25 June 1856. Cotton's social ineptitude is highlighted in a report of a meeting of the Trinity Parish. *HTC* 12 April 1854.
[41] AOT CSD1/1/119/4135.

system in Tasmania that would, as he put it, raise 'the children of a felon race above the moral level of their parents', and the social ease with which to broadcast the plans around the colony. He also had an empire-wide vision. His brother Matthew was Inspector of Schools in Glamorgan, Wales, and his brother William, 'absolutely unable to find *any* opening in England', had been appointed to introduce a government scheme of secular education in the Punjab, and the brothers intended to pool their experiences. [42] His resignation came when a conversion to Catholicism made it untenable for him to promote the secular education system he had established. [43] A similar dilemma would later face Alice Gordon, who would resign a responsible position rather than relinquish her firm views on religious education.

The appointment of Cotton to Thomas Arnold's position was cruelly perverse, given Arnold's stress on the importance of the selection of 'the right kind of men' for the implementation of parochial education.[44] For three years Major Cotton waited to be transferred back to the Survey Department. At least twice he was passed over for such appointments and by the time Alice Gordon joined his household it seems likely he was already sounding out his friends and family about prospects in India. As early as 1857 he had written to the Tasmanian Governor in frustration, emphasising the capital he had brought with him and the service he had provided, and indicating that he would leave the colony.[45] Certainly by March 1859 he had told the Colonial Secretary that he had 'encouraging expectations' of work there if he went out immediately.[46] He requested a year's leave of absence on half pay because he did not want to uproot his family 'under

[42] Initially he had found it difficult to believe in the power of education or the 'mission of the state in providing it' but in early 1853 he read Joseph Kay's *The Social Condition of the People* after which he pursued his task with zeal. He sketched out a life plan for the next four to five years by which time he would have managed to 'bring the whole machinery of the new Educational System…into good working order' and be able to leave Tasmania with the satisfaction of a job well done. *Letters of Thomas Arnold the Younger*, pp. 33-5, 65-66, 70-71.
[43] Thomas Arnold succeeded in establishing a Board of Education – made up of the entire Legislative Council with a committed sum to establish non-denominational schools throughout Tasmania (*Letters of Thomas Arnold the Younger,* p. 39). Non-denominationalism had been hard-won after years of heated debate about parochial education: whether it should be provided at all, who should provide it, how it should be funded, what should be taught. Anglicans, as the established Church, believed in their exclusive right to state support and teaching according to their own doctrine. Any variation on this, they feared, would only increase the democratic spirit becoming so prevalent (Roe, pp. 22-3). Arnold was torn between insisting that his faith had no bearing on his fitness for office and his new, and deeply felt conviction that he could no longer support the concept of non-denominational schooling. *Letters of Thomas Arnold the Younger,* pp. 53-72 *passim*
[44] *Letters of Thomas Arnold the Younger,* p. 34.
[45] Mitchell Library 042 P380 in AOT Correspondence file: H C Cotton.
[46] AOT AOT CSD1/1/119/4135

any uncertainty'. Major Cotton's last spidery communication with his employers on was on 16th April when his request was denied.[47] By this time he must have been aware that he had been offered a firm appointment as an engineer with the Madras Irrigation Commission. An auction of household effects was held on May 25th; a life in Tasmania whittled down to lots:

> Hair-seated chairs and sofas, settees and easy chairs and damask; cane seated drawing room chairs, card tables, telescope, dining, loo, and other tables; damask window curtains; Brussels and other carpets and rugs; defenders and irons, sideboards, chiffoniers; hall table, clock, oil cloth, globes; iron and other bedsteads; washstand and crockery, toilette tables and glasses; chests of drawers, wardrobes, large bath &c; kitchen dresser and shelves; kitchen range; horizontal pianoforte by Broadwood, an excellent instrument.[48]

Object upon object that Alice Gordon had polished and washed and dusted, beaten and lit and filled and emptied and drawn.

On the afternoon of 26th 1859, Major and Mrs Cotton and family boarded the steamer *City of Hobart.* By 4.30 pm the steamer had cast off and the Cottons had embarked on the first leg of their voyage back to India.[49] They were off to a new beginning, but India was also a place of endings. Three years later a ship would arrive at the Port of Hobart bringing a cluster of black rimmed envelopes. They contained ornate white cards, inscribed:

> Sacred to the memory of Louisa, the beloved wife of Colonel H. C. Cotton, Chief Engineer I. and C. Comp. died 1 July 1862 aged 61. She lived a Christian's life and realised a Christian's hope.[50]

The shipping news that provided information on the departure of the Cottons made no mention of servants, but then steerage passengers were never indicated except, perhaps, in terms of numbers. The Cottons were prone to moving whole households between continents. What is clear, though, is that Alice Gordon was not on that boat.

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[47] *HTC*, 29 September 1858.
[48] *Mercury*, 27 May 1859.
[49] Ibid.
[50] State Library of Tasmania (SLT), Tasmaniana Library (TL). Photocopy from a privately held album.

Nor was she fretting on the dock as the Cottons steamed off. Two months before, this young woman, new to the colonies, barely into her twenties, had laid an information against her employer under the apparently impenetrable Masters and Servants Act, charging him with having failed to give her discharge papers, without which it would be illegal for another master to employ her.

The barrister Alice Gordon chose to champion her case was a pugnacious character, not the kind of man who would have suggested sending a letter to the Cottons to resolve the issue. He was more often a defender than a prosecutor; his clients came from the poorer classes and for the most part their cases were decided in the lower courts. Frederic Robert Lees' 'coarse bantering and boisterous manner', so provoked other members of the legal profession that they had been known to punch him on the court steps.[51] Lees was emphatically *not* a gentleman, but his professional qualifications allowed him to legitimately challenge his social betters:

> By Act of Parliament alone
> But by no act of your own
> A Gentleman we'll call you.[52]

At the Police Court on Thursday, 10th, March, Alice Gordon had to wait her turn while three drunks were fined and a member of a sugar-stealing gang was remanded. Her case was brought before Police Magistrate, William Tarleton, who would play a major role in Alice Gordon's later life. It was Major Cotton rather than his wife who came to court, and the absence of discharge papers appears to have arisen either from a misunderstanding or from some malevolence of the cook through whom the papers were to be given to Alice Gordon. Press coverage of the police courts rarely refrained from quoting employers' observations about the irredeemable character of their servants, but in Gordon vs Cotton this is not the case. The Cottons, although brought to court, appear to have borne her no ill-will. The Major indicated no reluctance to provide replacement discharge papers, and a 'kindly worded' letter from Mrs Cotton that had been handed to Alice Gordon was read out in court. Although she had been discharged

[51] *Mercury*, 27 February 1858. One judge was so incensed by Lees' behaviour that he illegally had him imprisoned. *Mercury*, 2, 3, 6, 7 April 1858.
[52] *Mercury*, 27 February 1858, quoting from *Punch.*

by the Cottons, they appear to have been concerned for her welfare and worried about the 'bad company' she had got into.[53]

The 'kindly worded' letter was intended for Mrs Crouch, and asked for Alice Gordon to be admitted to the Servants' Home as she had no situation to go to.[54] This had been set up three years before by Mrs Crouch and a Ladies' Committee 'to provide a "*Home*" to ALL female servants', particularly 'when out of place', who placed themselves 'under the guardianship of the Ladies'. It had been modelled on the Servants' Home at London's Hatton Gardens where Chisholm's female emigrants stayed before embarking for the voyage to Australia. [55] Sarah Crouch had grown up in London's East End and worked as a governess to a Wesleyan missionary family.[56] Not unlike Caroline Chisholm, Sarah Crouch had dedicated her life to improving conditions for working-class women and girls in the framework of a bourgeois domestic ideology. Now, with the Servants' Home, by providing shelter she was 'offering protection to that class of the community on the well doing of whom so much of our domestic and social comfort depends, as well as *their* future welfare'. [57]

The majority of young women entering the Home were, like Alice Gordon, recently arrived immigrants. For them, according to its creator, it had become:

> a grateful asylum, *where, in some degree*, they who have left home and friends feel that though distant from their natural protectors and advisers, they can meet with sympathy and kindness even in Tasmania, and that British hearts exist in the ladies of this land of their adoption.[58]

One of the missions of the home was to 'throw around' young women who had arrived in the colony with expectations too high and/or a lack of awareness about the requirements of the situation and who, therefore, faced 'abrupt dismissal' and were

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[53] *Mercury*, 11 March 1859.
[54] Ibid.
[55] *Prospectus* AOT CSD1/1/4829. 'The want of such a Home has been lamentably felt by many a friendless girl, who may at this time be pining in poverty and woe; who would have been, under other circumstances, an useful member of society, and an ornament in the station she was designed to fill' (*HTC*, 1 November 1856). The home may have been opened under the auspices of the Female Servants' Home Society which ran the London home. *HTC* 12 December 1856.
[56] 'Memoirs of T J Crouch', typescript, 1880; SLT TL; AOT Correspondence File: Crouch; J. Russell Orton, 'Orton, Joseph Rennard (1795 - 1842)', *Australian Dictionary of Biography (ADB)*, vol. 2, Carlton: Melbourne University Press, 1967, p. 303.
[57] *HTC*, 11 November 1857. Emphasis in original.
[58] Ibid. Emphasis in original.

consequently in 'danger of falling into the hands of the designing'.[59] As at Hatton Gardens, the home was not only a shelter but a place in which the matron undertook to provide training in the rudiments of housework to those who needed it, so that they were better equipped to find another post. [60] The inclusiveness of Mrs Crouch's Home was not allowed to last long. Soon after it was set up in its first incarnation in High Street, New Town, there were rumours and criticisms about the character of the women who could be admitted which threatened the Home's fundraising and forced the Committee to publish screening procedures and rules.[61] It was, from thereon in, 'a temporary residence for female domestic servants and other unprotected females *of character*'.[62] Women wanting admission had to provide discharge papers and references or letters of recommendation for admission. If they didn't have them, the Ladies would inquire into the matter.[63]

Shortly after the arrival of the *Constance* the Home had been faced with an acute shortage of space and funds were running low. There was some discussion also of closing down the Immigration Depot and amalgamating the two institutions . A permanent site was mooted; government funding considered. Such changes took this Ladies' philanthropic effort beyond the boundaries of their sphere. It was no longer household management, but financial, legal and governmental negotiation in the public arena. The Ladies convened a public meeting at the Temperance Alliance Rooms on 6th September 1858, but the weather had been so bad that those attending had decided to reconvene a fortnight later. The meetings were chaired by George Washington Walker and, although ladies attended, it was only men, probably many of them husbands of the original committee members, who were named in the press and cited as speakers. Among those mentioned were several with whom Alice Gordon would have later contact: Drs Butler and Agnew, Archdeacon Davies and R A Mather. [64] A Gentleman's Committee was formed, the signatures of its members appended to a petition to the Governor for a grant of land on which a permanent Home could be built:

> Whereas, there can be only one opinion as to the importance of having good female domestic servants, and of the influence on the comfort of our homes,

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[59] 'Throw around' is used in the sense of re-forming.
[60] AOT CSD1/1/4829.
[61] *HTC*, 10 December 1856.
[62] AOT CSD1/1/4829. My emphasis.
[63] *HTC*, 10 December 1856.
[64] *Mercury*, 20, 21 September 1858; *HTC*, 21 September 1858.

> the morals of our children, and the prosperity of the general community. And, whereas, young females leaving the mother country and their natural guardians, when they arrive in the colonies finding themselves friendless and their high hopes disappointed, and sometimes proving incompetent for situations so different from their former occupations, too often become the victims of the designing and depraved, and sink into poverty and vice.[65]

The action against her employers taken by Alice Gordon was one of extraordinary bravado. Hardly ever did an employee charge her master under the Masters and Servants Act, and particularly not for something that could, in all probability, have been settled out of court. It suggests both a sense of entitlement and an expectation that the law was there to be utilised and would protect her rights; a supposition that was, on the whole, not borne out in the case of charges brought by working-class women against upper-class men. Her behaviour indicates a 'high hope' perhaps, that was not becoming to a domestic servant. It smacks of Servantgalism. She might be accused of not having 'the right idea of the relative position of master and servant, or the moral obligations' entailed in entering the service of another.[66] Such an action represented disloyalty, threatened to undermine the status quo by encouraging other servants to challenge their employees.

In the colonies there was without doubt an increased tension between the domestic servility desired by masters and mistresses and the impulse of working-class women to better themselves through emigration, a point recognised in the colonial press:

> Now we admire independence in all classes, when properly sustained upon proper ground; and every individual whatever may be the station and society which they feel, is entitled to improve his or her condition, and to *become independent*. But while they remain servants, they are bound to act as servants; not barely to do those things for which they consider themselves paid, but to do their duty with cheerfulness, civility, and respect.[67]

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[65] *Mercury* 29 September 1858.
[66] *HTC*, 17 June 1853.
[67] Ibid. Emphasis in original.

On arrival at the Home to which Alice Gordon was referred for her re-education, she would be interviewed by the Matron who was at this time Maria Tillard from the *Constance*, and also by a Lady Visitor. She would pay 3/- for a week's lodging, assent to the rules and then be shown her bed in the dormitory, the cooking and washing facilities and the communal sitting room. She would be expected to attend the 'family reading of the scriptures' at 8 am, but was otherwise free to do as she pleased until 9pm after which there was a curfew and, at 9.15 pm, the evening 'family reading of the scriptures', followed by lights out at 10 pm.[68] The Home, especially if she became a member, would provide Alice Gordon with a clean slate:

> Each female … on leaving shall be provided with a certificate of her good conduct while in the Home, and of her being under the protection of the Society. That any female … residing in a family for twelve months shall receive a reward for perseverance, &c; and that any female … after good service, marrying respectably, shall receive some useful article towards housekeeping, as a token of the esteem in which her character is held by the Ladies Committee.[69]

Ladies, too, could become members. The Home had by now also become a Registry. By paying an annual subscription of 10/- , a member would get first choice of the servants available. [70] Non-members had to pay 5/- for each servant hired. For Mrs Crowther, membership made almost certain financial sense. She had sought at least twelve servants through the press in the last seven years, a terseness over past failures sometimes showing through the few words in the Wanted advertisements:' *none need apply unless they can produce testimonials as to character and capabilities*'.[71] So perhaps it was here that one day in March this tall, imperious woman, named after Queen Victoria's mother (in whose household she was raised), interviewed her prospective servant.[72] She could have been impressed by the newly reconfigured Alice Gordon, or maybe she liked the spirit – *the absence of gormlessness* – that no show of

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[68] AOT CSD1/1/4829.
[69] Quoted in Lindy Scripps, *Women's Sites and Lives in Hobart; Historical Research*, Hobart: Hobart City Council, 2000, p. 62.
[70] AOT CSD1/1/4829.
[71] *HTC* 21 January, 26 May 1852; 28 March 1853; 1 March 1854; 16 March 1855; 2 June 1856; 15 August 1857; *Mercury,* 3 April, 1, 6, 8, 10 July 1857; 31 December 1858; 4, 6, 11 January, 5 July 1859.
[72] Victoire Marie Louise Crowther's father was Colonel A B Muller, equerry and secretary to the Duke of Kent, Queen Victoria's father. W E L H Crowther, 'Crowther, William Lodewyk (1817 - 1885)', *ADB*, vol. 3, pp. 501-503.

reconfiguration could hide, or, perhaps, at forty-two, with her ninth baby on the way, Mrs Crowther was just desperate.

CHAPTER FIVE

IN THE BOSOM OF THE FAMILY

If life in the colony had taken the wind out of the sails of Alice Gordon's first employers - if they had not been able to find their place in the complex, ambiguous struggle for identity in this Van-Diemens-Land-becoming-Tasmania, the same could not be said for the family into whose service she was now entering. Its paterfamilias was a man of enormous energy, determined to form a dynasty in the colony *and* make his mark in the Empire. Whether the issue was political, institutional, professional or entrepreneurial, Dr William Lodewyk Crowther was to be found either at the helm, or battling to grasp hold of it.

The household that Alice Gordon now entered was hard-won. Unlike Major Cotton, whose entry in *Burke's Peerage* assured him a social status that was not dependent on his personal success, Dr William Lodewyk Crowther hovered in the upper middle classes. And although as a medical professional his position should have been assured, he still smarted from the childhood humiliation of social exclusion: on the voyage out his intemperate father had taken to the future Attorney-General with a horsewhip, scuppering any chances of a government appointment in the colony. As an adult, Dr Crowther may have been lampooned for his earnest self-promotion by *Tasmanian Punch*, but no one could accuse him of the Georgian dissolution of his father.[1]

Alice Gordon's new employer was a man of his time, the kind of role model Samuel Smiles held up in *Self Help: with illustrations of character, conduct and appearance*, a runaway empire-wide bestseller published that year. He was a doctor, a landowner, a politician, an entrepreneur, a major employer. There was an *ethos* attached to the name of Crowther now; self-consciously produced, perhaps, but pervasive, nonetheless, with its *Carpe Diem* motto and blue 'C' on the white flags that were hoisted on

[1]It seems likely that his family's voyage to Van Diemens Land in 1824 may have been precipitated by his father's put-upon relations, eager to separate the hard-drinking, improvident Crowther Senior from the temptations of the gambling clubs and drinking parlours of Georgian London. He had 'borrowed heavily on the expectation of his father's will' and been forced to train for a profession, travelling out as a ship's surgeon armed with recommendations from Astley Cooper and Dr Davis, important documentation in a period when patronage was often of greater importance than skill. W E L H Crowther, 'For the Grandchildren', typescript, 1967, SLT Crowther Collection.

Crowther-owned ships in the Hobart docks. Had Alice Gordon not been a woman, encumbered by a body that marked and confined her as a dependant rather than agent, Dr Crowther was probably the kind of man she would have liked to become. As it was, her new employer would later go to self-jeopardising lengths to champion her cause when she broke from the mould of acceptable behaviour for female embodiment.

Although Alice Gordon's status with the Crowthers may not at first have been markedly different from the one she held with the Cottons, it would place her in a quite different relation to her employers. At the Cottons her role as parlour maid had been primarily looking after objects and smoothing processes, ensuring that everything was in its right place at the right time. It was, for the most part, a keeping quiet and out of sight kind of job, even when she was in the room. It was a role that may have developed a taste for fine things, but it invited no personal attachment and little reward. Her new position, though, was centred around the children of the household. Alice Gordon was now in the bosom of a family and would play a key role in the maintenance and cultivation of the Crowther ethos. It appears to have been a situation that suited her, where she in some sense found her place. She remained with the Crowthers at 1 Albert Terrace, Macquarie Street for over ten years.

Albert Terrace, constructed not long after Queen Victoria's marriage, was named in honour of the Prince Consort. This evocation of royalty by the Crowthers was a reminder to those who passed by that the mistress of the house had more closely entered the monarch's orbit than all but a very few. The 'tall and stately' Victoire Marie Louise was endowed not only with the name of Queen Victoria's mother, the Duchess of Kent, but also the child-sized silver gilt cutlery setting her godmother, the duchess, had given her at her christening.[2] The Crowther residence lay just beyond the margins of scenic views taking in the civic centre; a block townwards from the Cottons. Images are rare and are framed from such an oblique angle, and with the house so far in the background, that the details are obscured. From that little information, it is possible to identify a structure, still Georgian in influence and layout, whose only embellishment consisted of the classical arched windows that marked the beginning of the Victorian period. Although the depth of the house is not visible, the frontage of each of the terraces shows three windows on the first floor and two either side of a central doorway below. A shadowy smudge indicates the possibility of an attic window to the

[2]W E L H Crowther, 'An Account of the Life of my Father, E L Crowther', typescript, SLT, Crowther Collection.

rear. But its situation was still prestigious: on the town-side corner of the block stood a building housing the Royal Society Museum. The collection had outgrown the space and would soon be moved to purpose-built premises, but some fifteen years in the future it would become the home of Truganini, mythologised as the last Tasmanian Aborigine and after whose death in 1876 the house was renamed Lallah Rookh.[3] On the far side of Albert Terrace, but always photographed in isolation, the Hutchins School was described by James Smith in 1886 as 'one of the ornaments of Macquarie Street; where its ivy-mantled gables, its central tower, and its generally antique appearance, cause it to resemble a bit of mediaeval Oxford, dropped amidst the commodious and modern residences that abound in that neighbourhood'.[4]

In 1846, when Victoire and William Crowther first moved into their new house with three children, it must have seemed quite a spacious residence, but by 1859, when Alice Gordon arrived, it was bursting at the seams. In addition to the two parents there were now eight children, another on the way and, until 1863 when she died, William Crowther's mother, Sarah. Such an expanded family also required more servants than the two indicated in the 1843 census: living in would be a cook, a housemaid, a nurse, and possibly a 'girl' from the orphanage. [5] A governess was employed and had to be accommodated. And then there were the two grooms, although they probably lived above the stables, and possibly a gardener as well.[6] This was a vital, active place to be, a place of arguments and opinions, of outbursts and passions, of big ideas and hard work, of containment and explosion. It was full of the stately Victoire, determined to maintain the standards to which she had been bred; it was full of the energetic and pugnacious but thin-skinned William, 'an otherwise man' who 'did not understand such a thing as compromise'; it was full of babies and children and teenagers, and it was full of servants

[3] British 'protectors' named Truganini 'Lallah Rooke' after the daughter of the Mughul Emperor Aurangzeb as depicted in Thomas Moore's poem of that name. The poem, like Byron's *Don Juan* that was inferred in the context of the female immigrants, uses an oriental setting to legitimise its eroticism.

[4] James Smith, 'Tasmania – descriptive sketch', *Picturesque Atlas of Australasia,* Sydney: Picturesque Atlas Publishing Co., 1886, vol. 2, p. 103.

[5] Census AOT CEN 1/1/1943.

[6] Based on the wanted advertisements placed in the local newspapers by Mrs Crowther. *HTC,* 21 January 1852; *HTC,* 1 March 1854; *Mercury*, 17 June, 1, 6, 8, 10, July, 14 August 1857; *Mercury,* 5 July 1859.

with lives that were and were not contained by the *cheval de frise* walls that marked the boundaries of Albert Terrace.[7]

Although Alice Gordon clearly felt a sense of belonging in this household, it is difficult to pinpoint the position she was appointed to in 1859. Years later, both she and Dr Crowther referred to her place as that of nursery governess. Victoire, also writing retrospectively, described the position as that of children's nurse. [8] Although the actual work involved may have overlapped, the two descriptions are not interchangeable. There is an implied class difference, with a middle-class governess being perceived as playing a role in the intellectual and moral development of her charges, and a working-class nurse devoting herself to their physical needs. Victoire's distinction between the two is indicated in the wording of her advertisements, and her use of the terms 'woman' and 'lady':

> Wanted:
>
> 1852 A steady, respectable young woman as nurse.
>
> 1853 Immediately. A respectable young woman accustomed to the care of children and who can make herself useful at her needle.
>
> 1854 A nurse.
>
> 1855 Young woman as nurse.
>
> 1856 A steady, respectable young woman as nurse.
>
> 1857 A young lady as governess for children under ten years of age. She must be a good hand with her needle, and accustomed to children.
>
> 1858/9 Immediately. Young woman as nurse. References required.[9]

I think it most likely that Alice Gordon filled the last vacancy. The advertisement reads like a terse *crie de coeur*, and was repeated several times into the new year. The urgency, and the insistence on references had not appeared in Victoire's previous advertisements, an indication that the last nurse may have given, or been given, notice

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[7] W E L H Crowther, 'An Address: aspects of the Life of a colonial surgeon, the Honourable W L Crowther FRCS, CMZS, sometime Premier of Tasmania', Hobart, 1942, SLT, Crowther Collection.
[8] 26 July 1879, SGD 13/1/10, p. 19.
[9] *HTC*, 26, 29 May 1852; 28 March 1853; 1 March 1854; 16 March 1855; 2 June 1856; 3 April 1857; 31 December 1858; 4, 6, 11 January 1859.

suddenly. With threatened pandemonium at home, and no response to her advertisements, Victoire may have approached the Servants' Home and found Alice Gordon. The position of nurse seems a more likely move from parlourmaid than the elevation implied by a position of nursery governess. And a nursery governess would have been less likely to be found at a Servants' Home. This is not to say that she remained a nurse throughout her service with the Crowthers. Her likely progression can be plotted by looking at the age and gender of the Crowther children when the 'young lady' was employed as governess in 1857 to teach children 'under ten', and the situation two years later when Alice Gordon was employed.[10]

The difference between the tasks of the young lady governess and Alice Gordon may have been that the former was employed to prepare the boys for the liberal education they were to receive at Hutchins while Alice Gordon had to combine child-care and the teaching of girls. But the variant descriptions of her position indicated later by Victoire and William suggests that they were using different points of reference. For Victoire, the essential difference between the governess and Alice Gordon had little to do with the different levels of skill and knowledge of the two women, and everything to do with their social backgrounds: Alice Gordon's class precluded her from being an acceptable governess. This suggests that William, in describing her as a nursery governess, was identifying her according to her merit, a classificatory system from which women were excluded.

Victoire had her own complicated position in the household to police. The roles of governess, nursery governess and nurse were all implicated with her own identity as a bourgeois mother. They were extensions of her own role, but also foils against which

[10] In 1857, Edward, then fourteen, was at Hutchins School. His younger brothers, Henry and Willie, aged nine and eight, would have just begun as day scholars at Hutchins (Index to Hutchins School Register, AOT NS36). There is, tellingly, no record of the whereabouts of Victoire Marie, the eldest daughter. She was twelve at this point, not 'under 10', so may either have been attending one of Hobart's schools for young ladies or been under the tutelage of her mother or grandmother. (Arthur) Bingham and Herbert, aged seven and five were at home, and most likely the children who needed teaching; Caroline (three), Eugene (one) and Emmeline (newly born) would have been under the charge of a nurse. Two years later, when Alice Gordon arrived, Edward, at sixteen, was either in his last year at Hutchins or boarding at the exclusive Horton College in the north of the colony (Register of Horton College, AOT NS588/1), and Willie, now aged ten, had been at Hutchins for two years. Bingham, now nine, would follow in 1861 and Herbert, seven, in 1862. My surmise is that Alice Gordon's primary responsibility lay as nurse to Caroline, Emmeline, and the new baby expected later in the year. Eugene had died aged two, the year before (*HTC*, 6 January 1858). The governess may have left in 1862, when Herbert became a Hutchins day scholar, leaving Alice Gordon in charge of the elementary education of a six-year old, five-year old and two year-old, all girls, whom she would 'nanny' until they no longer needed that kind of care.

her status could be favourably measured. In a culture that glorified the image of maternity in its Queen, she occupied a position of supreme matriarch. But the nature of motherhood - its extreme physicality in terms of the changing shape of the maternal body as it boldly manifested a sexual act, in terms of the mess and leakage and animality of the processes of birthing and nursing, and in terms of the messiness, non-containment and absence of control of the infant – made this an untenable position for someone not only representing the ideal of bourgeois female embodiment, but the primary model of this embodiment for her children.[11] The physicality of child-bearing was inescapable, *but to be unspoken*, hidden; a lady was indisposed, babies were conducted into the world through the birth columns of the press.

Child-rearing, though, was something that could be managed at arm's length. Mrs Henry Wood, in her bestselling novel, *East Lynne* (1861), encapsulates the appropriate attitude for a lady through her character Mrs Carlisle:[12]

> I never was fond of being troubled with children. When my own grow up into childhood, I shall deem the nursery and the schoolroom the best places for them. I hold an opinion Madame Vine, that too many mothers pursue a mistaken system of management of their family … They are never happy but when with their children; they must be in the nursery; or, the children in the drawing room. They wash them, dress them, feed them; rendering themselves slaves, and the nurse's office a sinecure. The children are noisy , troublesome, cross; all children will be so; and the mother's temper gets soured, and she gives slaps where, when they were babies, she gave kisses. She has no leisure, no spirits for any higher training: and as they grow old she loses her authority …
>
> Now, what I trust I shall never give up to another, will be the *training* of my children,…Let the offices properly pertaining to a nurse be performed by the nurse – of course taking care that she is thoroughly to be depended on. Let her have the *trouble* of the children, their noise, their romping; in short let the nursery be her place and the children's place. But I hope I shall never fail to

[11] Leonore Davidoff, *Worlds Between: historical perspectives on gender and class*, Cambridge: Polity Press, 1995, pp. 108-10.

[12] I am employing fiction here for what Jenny Sharpe describes as 'the absent text of history' that can be found 'in the margins of literature'. History 'forms the conditions of existence to the literary imagination', she writes, it 'places limits and restrictions on what can be represented at any one time. Fiction is granted the license to imagine events as they might have happened or in a way that history has failed to record.' Sharpe, p. 21.

> gather my children round me daily, at stated and convenient periods, for higher purposes: to instil in them Christian and moral duties; to strive to teach them how best to fulfil the obligations of life. *This* is a mother's task – as I understand the question; let her do this work well, and the nurse can attend to the rest. A child should never hear aught from its mother's lips but persuasive gentleness, and this becomes impossible if she is very much with her children.[13]

In this interchange, Mrs Carlisle is actually speaking to a new governess, whose role is peculiarly absent from the monologue. The governess is sitting down, a social equal (in terms of birth), but not to the point of presenting her own opinion. She occupied an unsettling position in the household. The lady had somehow to assert her own authority towards an employee who could be seen as undertaking precisely those tasks – the training, the genteel behaviour – that should be her own, that define her as an upper-class mother.[14] Should the governess, as her class would dictate, be treated as one of the family; or, as she was a paid employee, should she be treated as a servant? Her dislocation often placed her neither at the family dining table nor in the servant's hall, but alone in her room with a tray.[15]

The governess's position was complicated by the anomaly of being both a lady and the recipient of a wage. Sarah Lewis, a former governess, stressed the need for vigilance in policing professional boundaries. Broader education and economic hardship had swelled the numbers of governesses in England in the 1840s as the 'daughters of tradesmen' entered the field. These women, she felt, brought 'degradation of a body so important to the moral interest of the community'. She proposed a regulatory professional organisation for governesses which would have exclusionary powers like

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[13] Mrs Henry Wood, *East Lynne,* [1861] London: Collins, 1954, pp. 495-7.

[14] Mary Poovey argues that the ideal Englishwoman – bourgeois, passionless, married, maternal, and untainted by the commercial world – could only be configured through the construction of subjectivities to which she could be favourably compared. These subjectivities, for the most part, were sexualised, lower-class, and part of the cash economy, and most potently represented by the figure of the prostitute. The governess, though, troubled this binary. She was socially often from the same class or background as her employer. She wasn't married but took on a maternal role, and took it on for cash payment. Mary Poovey, *Uneven Developments: The ideological work of gender in mid-Victorian England*, London: Virago, 1989, p. 145.

[15] Authorial experience informed the works of Anne and Charlotte Brontë with *Agnes Grey* (1845*), Jane Eyre,*(1847) and *Villette* (1852). *Jane Eyre*, in particular, played on the anxieties surrounding the presence of a governess. The possibilities presented by this unstable figure were also taken up by Mrs Gaskell in *Ruth* (1853), Mrs Henry Wood in *East Lynne* (1861), Mary Braddon in *Lady Audley's Secret* (1862), William Thackeray in *Vanity Fair* (1847) and Wilkie Collins in *No Name* (1862), all major Victorian bestsellers not only in England but also the colonies.

the Medical Association. The argument was not that tradesmen's daughters would lack the general knowledge to teach children but that they would lack the refinement to mould young girls into ladies. Alice Gordon had to fashion herself within this intense sensibility that favoured class over ability.[16]

Correspondence in the 1860s between emigrants and the London-based Female Middle-Class Emigration Society, points to a very nuanced categorisation of governesses in common parlance in England, that was often not respected in the 'topsy turvy' Australasian colonies. To ladies for whom it was loss of caste rather than an innate distaste for manual work that prevented them from seeking less genteel occupations (and for the new class of women who were educated but not gentlewomen), the colonies offered possibilities for reinvention not available 'at home'. One Welsh FMCES emigrant wrote: 'Were I in the position of the 3rd and 4th rate governesses (I was almost going to say 2nd) in England … I would unhesitatingly become a domestic servant in Australia in preference.' Recognising the blurring of boundaries in the colonial context, the FMCES, along with its dangling of key phrases such as 'superior birth', required that its applicants have some household skills, as well as being 'sufficiently educated to undertake the duties of a nursery governess'.[17]

This is a rare appearance of the term 'nursery governess', the title that William Crowther used to describe Alice Gordon's position in his house. It seldom enters the literature. The composite muddies the distinction that is almost always made between governess and nurse in fiction, memoirs and advice manuals. The nursery governess straddled the boundaries between middle and working class; mind and body; the governess as intellectual and societal pedagogue and the nurse as physical nurturer; the schoolroom and the nursery. 'On the threshold of two lands,' the Reverend Frederick Orde Ward wrote in a poem dedicated to the nursery governess, 'Half a servant, half a queen/ And two jarring worlds between'.[18] If Alice Gordon began her time at the Crowthers as a nurse and gradually assumed the role of nursery governess, it is likely

[16] [Sarah Lewis] 'On the Social Position of Governesses' (1848) cited in Poovey, *Uneven Developments*, p. 129.
[17] The London-based Female Middle-Class Emigration Society was formed in 1860 because 'the existing organizations for the assistance of female emigration applied only to domestic servants'. Letters to the Society from their emigrants provide a rich source of material revealing the fissure between expectation and reality . Records of the Female Middle Class Emigration Society 1862-1885, in possession of the Women's Library, London, GB0106 1/FME. Welsh emigrant quote in letter from Annie Davis, 17 June 1864.
[18] Quoted in *The Governess: an anthology*, eds. Trev Broughton & Ruth Symes, Stroud: Sutton, 1997, p. 186.

that it was the very class she wished to transcend that made her more comfortable as an employee, and allowed her to gain the long-term centrality of a nurse in the Crowther household.

In a larger house the nursery would be designed as far away from the formal rooms as possible. When Edward, the eldest surviving Crowther son, established his own surgery, he covered doors with felt so that the noise from the upstairs nursery and the children's music practice was dulled.[19] As spaces became increasingly dedicated to particular functions, rooms accommodating children were defined as day and night nurseries; and the schoolroom, apart from the bedrooms, was accorded to those who had outgrown the nurseries. But at Albert Terrace space was tight. Downstairs, apart from the surgery and the kitchen and pantry, were a dining room and drawing room. On the first floor were just four bedrooms for the family, and in the attic, there were two more for the servants.[20] Albert Terrace cannot have had the luxury of a separate nursery, not with eleven family members needing sleeping accommodation. William and Victoire, Mrs Crowther (William's mother), Edward, Victoire Marie, Willie, Bingham, Henry, Herbert, Caroline and Emmeline, *and* Alice Gordon, all had to be somehow fitted into the first floor rooms. It is likely that William and Victoire occupied the master bedroom; Mrs Crowther and perhaps Victoire Marie, aged fifteen, another; the older boys, in a third; and the fourth would be Alice Gordon's domain, the space in which she and the youngest Crowthers would sleep at night, and used as a nursery during the day. When she was a parlourmaid, Alice Gordon moved through the house in order to service it, although she belonged to no particular space and, indeed, had to make herself scarce if someone with more right to it entered. As the children's nurse, though, she was often all but trapped in the one room.

As 'half a servant, half a queen' Alice Gordon was the voice of authority in this room, *unless* undermined by visits of family members to whom she had to defer. It was through her agency that nature in the nursery became civilised *but* it was the inscriptions of her working-class female embodiment that defined her as proximate to nature; an embodiment that could be artfully constructed as ideally suited to dealing

[19] Mary Crowther Cree, *Edith May 1895-1974: life in early Tasmania*, Toorak: James Street Publications, [1983], p. 5.
[20] Burns & Son, *Auction Catalogue*, 10 February 1886. AOT NS1885/1/33. All descriptions of furnishings at 1 Albert Terrace are based on this catalogue.

with the mess of infants and small children who were themselves so close to nature as to be dangerously classless. It was her task to ensure that the children in her care became the bourgeois subjects that she was not, and that they recognised her social inferiority. Lenore Davidoff and Ann Laura Stoler have identified the nursery as *the* defining site for the formation of values. Davidoff, concentrating particularly on class, argues that although a woman employed to look after children had total authority in the nursery, 'middle-class children learned very quickly that she was their inferior and that they were both, children and servants alike, subject to higher authority'.[21]

There was an added negative preconception of the nurse in the colony that Alice Gordon had to overcome. Stoler's contention that the white bourgeois body of the metropole was defined by the contestations of race and gender in the colonial nursery can be read into the Tasmanian context, but with a different nuance. Stoler was looking at the way racial values were cultivated in the context of white colonisers employing indigenous servants, and in particular nursemaids in domestic households.[22] In Tasmania colonisers had pursued a regime of complete apartheid: not only were Aboriginal women not employed to look after white children but their own children were removed to the imperial orphan school where, had they thrived, they might have joined the pool of the servant class provided by convicts and their children for whom the orphan school had been built. The presence of convicts, and the assigned service that was integral to the penal system for most of its existence, removed the focus on Aboriginal women as a potential servant class, but the convict women themselves were conceived as a race apart. The former Lieutenant-Governor's wife, Lady Jane Franklin, argued that the only reason these 'female Helots' didn't have a worse influence on their charges was because they were 'held up by their parents … as a class apart, to be avoided even while it is made use of'.[23] Oliné Keese, in her fictional *Broad Arrow* , through the voice of Charlie's father, represented this as problematical because it confused the child's conception of the natural order of things:

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[21]Lenore Davidoff, 'Class and gender in Victorian England: the case of Hannah Culwick and A J Munby', in *Worlds Between: historical perspectives on gender & class,* Cambridge: Polity Press, 1995, pp 103-150, p109. Stoler argues that the colonial nursery, in particular, was the site where the boundaries of class, race and gender were at their most contested. *Race and the Education of Desire*, pp. 149-164.

[22] Stoler, ibid.

[23]Frances Woodward, *Portrait of Jane: a life of Lady Franklin*, London: Hodder & Stoughton, 1951, p. 213.

> He was very naturally led to consider them a class, born into the world to as inevitably its allotted position as any other great division of the human race. Free - bond – conveyed to his imagination only an idea of caste.[24]

The fictional Charlie, resident in Macquarie Street, and born into the same class as the Crowthers, was the same age as the older Crowther children, who had without doubt experienced convict nurses. It was nothing to Charlie:

> to have three new nurses on three successive days; it was no new thing for him to fall asleep under one woman's eye, and awake under another's… There was no shudder when the constable marched off his nurse; he would skip to the window and see the 'fun' as from earliest days he had learnt to designate the bearing away of some unfortunate convict.[25]

Alice Gordon, entering the Crowther household as a children's nurse, had to contend with attitudes formed within the context of convictism. As a free immigrant with a reasonable education she would be measured by her distance from the convict nurse of Van Diemens Land, but was nonetheless contaminated by a preconceived caste and potential for lapse. Her status as nurse threatened to ally her more closely with a pariah class than with the bourgeoisie; but a *good* nurse, the *respectable* nurse that Victoire's advertisement repeatedly demanded, and that Alice Gordon, given her ten years of service, undoubtedly proved herself to be, was not a contaminator so much as an effective agent.

The convergence of class, race and gender, the non-bourgeois, the non-white, the non-male brought the figure of the nurse within a discourse of primitivism that was also, temporarily, occupied by her charges. As Jill Matus points out in her reading of Charlotte Bronte's *Agnes Grey*, the botanical metaphors of nurture used by Agnes when she anticipates her teaching position are replaced by zoological ones when she is confronted by the reality of the children. Agnes, as nursery governess, had been brought into the household to civilise her charges but feared that, in the absence of civilised surroundings, it might be she who was stripped of her cultivation:

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[24] Oliné Keese, *The Broad Arrow being the story of Maida Gwynnham, a 'Lifer' in Van Diemen's Land*, Hobart: J Walch & Sons, 1859, p. 47.
[25] Ibid., p. 50.

> I will not presume to say how far this irresistible power of assimilation extends; but if one civilized man were doomed to pass a dozen years amid a race of intractable savages, unless he had power to improve them, I greatly question whether, at the close of that period, he would not have become, at least, a barbarian himself.[26]

Babies were small animals, or even vampires; often they were referred to as little strangers.[27] All these signifiers distanced them from the civilised bourgeois adult. There was some logic, then, in placing them in the care of someone closer to their state; someone who could begin their taming before the serious civilising mission began.[28]

Frances Partridge remembered the snugness of sharing a bed with her nurse, watching her dress (though never seeing her naked), and seeing her hair unwound:

> Spiritually, she was a natural object, a tree in the garden, something taken absolutely for granted and relied upon, someone who was always there in the nursery mending stockings, and who had a way of dealing with bawls, bangs, or knots in crochet that was probably instinctive, but worked.[29]

Sally, whose surname was not recorded in the Crowther memoirs, was employed as a nurse in Edward's family for the next generation of Crowther children. She, too, is constructed as an unchanging and primarily physical embodiment:

> Back at the fire, Sally put on more logs; she always liked the fire burning brightly. She undressed in front of it every night, a feat once seen, never forgotten, since the whole performance was done under a large voluminous nightgown. Each garment was drawn down and folded neatly on a chair including a pair of substantial whale-boned stays. In the morning the reverse took place, the corsets being laced up carefully under the nightdress which,

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[26] Jill Matus, *Unstable Bodies: Victorian representations of sexuality and maternity*, Manchester: Manchester University Press, 1995, pp. 96, 100.

[27] So named by Mrs Beeton in reference to breast-feeding in 1860. Quoted in Judith Flanders, *The Victorian House: domestic life from childbirth to deathbed,* London: HarperCollins, 2003, pp. 22-23.

[28] Following this trajectory to its logical end, J M Barrie makes the nanny character in *Peter and Wendy* a gentle Newfoundland dog. J M Barrie, *Peter and Wendy,* London, Hodder & Stoughton, nd, pp. 5-7.

[29] Jonathan Gathorne-Hardy, *The Rise and Fall of the British Nanny,* Newton Abbott: Victorian (& Modern History) Book Club, 1973, p. 145.

> when removed revealed Sally fully dressed for the day, complete with her long white starched nursery apron. [30]

Reminiscences about nurses are always written from the point of view of the transcended bourgeois subject. But how did upper-class parents ensure that their children learnt the cleanliness, tidiness, regular habits and table manners that the nurse, in spite of her primitivism, was expected to enact, while at the same time ensuring that they did not emulate her accent, her acceptance of menial tasks, her physical availability and her emotional engagement? At some point they had to move *beyond* her, while she was expected to always stay the same. In other words she was placed in the kind of timelessness attributed to primitive societies; societies that had failed to engage with progressive capitalism.[31] Anthony Hale suggests that the nurse represented both guardian and child. To the child she is guardian, but to that child grown and 'dominant in society at large' the nurse is expected to remain a child.[32]

The transition was managed by a quotidian assertion of class that took several forms. Naming was one strategy that ensured an inversion of the hierarchy of age which might otherwise have reigned in the nursery. The children gained a superiority through the familiarity of using a nurse's first name unlike the title and surname accorded a governess. Sometimes she was stripped of identity and just referred to as 'Nurse', or later 'Nanny' by upper-class adults and children alike. A senior nanny might take on the surname of the people she worked for; so that while on one hand she was being infantalised, she was, on the other, conferred with the status of her employers. The inequality of the nurse/child relationship was further reinforced by respect demanded of the nurse who was frequently required to address the children by their titles: *Master* Edward, or *Miss* Victoire Marie.

In the house, the nursery represented infancy and immaturity. Access to adult, civilised spaces was rationed, apportioned gradually to the family's young as they proved

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[30] Sally was employed in Edward Crowther's Macquarie Street household from the mid 1880s until her death in 1917. Her surname is not given. Mary Crowther Cree, *Emily Ida: a Victorian matriarch in colonial Tasmania*, Hobart: State Library of Tasmania, 1993, pp. 19, 30.

[31] '…according to Hegelian concepts of Zeitgeist, nations of people who could not 'emancipate' themselves from nature were doomed to remain outside history until [they could free themselves] from the lockstep and rejoin History through agencies of capitalism and scientific rationality'. Harry Harootunian, 'Shadowing History: national narratives and the persistence of the everyday', *Cultural Studies,* vol. 18, no. 2/3, 2004, pp. 181-200, p. 186.

[32] Anthony Hale, 'Nanny/mammy: comparing Lady Gregory and Jessie Fauset, *Cultural Studies,* vol 15, no 1, 2002, pp. 161-72, p. 170.

themselves worthy of polite society. It was customary for the children to be brought down to the drawing room for half an hour or so after nursery tea but before the formal evening meal of their parents. By minimising the time mothers and children spent in each other's company, the rare moments together could be cultivated as a privilege and the parental life imagined as both glamorous and important.[33] The rosewood and figured velvet suite, the elaborately embroidered mantle drapes, the tapestry curtains, the gilt and Japanese looking-glasses, the Dresden ornaments, the inlaid flower stands, the vases, the rosewood pianoforte, the Chinese ivory chess-set, the oil paintings and the Canterbury whatnot presented a fantastic stage to those who spent most of their lives in the drabness of the utilitarian nursery. Victoire's sumptuous gowns and tone of voice in this setting would be barriers designed to embody the restraint that separated a lady from a nurse, a bourgeois adult from a bourgeois infant. But the behaviour of the children when they entered Victoire's drawing room, with its delicate fabrics and fragile ornaments, signified Alice Gordon's success in her allotted role.

Unlike Alice Gordon , who would never graduate to the rooms downstairs, the children, as their manners improved, would gradually be incorporated into meals in the formal dining room. If they misbehaved at the table they would be shamed by banishment to the nursery. It was a game of snakes and ladders. But class was not the only category that was subject to strategies of hierarchical inscription in this formation of bourgeois embodiment. The children, in the moments they were not focussing on preventing their food from spilling onto the cedar table or on working out which fork to use, observed that it was their father, not their mother who wielded the buckhorn carvers over dinner roasts, framed by the mounted antlers, the double-barrelled shotgun and the lithographs entitled 'Game'.

It was Edward, Henry, Willie, Bingham and Herbert Crowther who went to Hutchins where ' almost *everyone*' who gained distinction 'proved a credit to the colony at as well as to *his* parents', not Victoire Marie, Caroline, Emmaline or Selina.[34] Becoming a mover and shaker on the building committee of the school had been a spring-board to vice-

[33] Bernard Shaw wrote that his mother's 'almost complete neglect of me had the advantage that I could idolise her to the utmost pitch of my imagination and had no sordid or disillusioning contacts with her. It was a privilege to be taken for a walk or a visit with her'. Lady Anne Hill remembered 'the after-tea hour with my mother and brothers in the drawing-room was magical, a different realm and state of existence to the drab nursery life'. Quoted in Gathorne-Hardy, pp. 78, 80.

[34] My italics. *HTC*, 21 December 1858.

regal acceptability for William Crowther.[35] Hutchins was an offspring of Dr Arnold's Rugby, the so-called 'nursing-mother' of Victorian schools, whose old boys became 'infiltrating masters', promoting a public school ethos throughout the empire. In these schools, Regenia Gagnier has argued, pupils were socialized 'to be boys without women, then to be masters of other boys, and then to be guardians of state and empire'. [36] The school and the Crowther residence were inextricably connected, both materially and by deliberate association. The headmaster, notably the Reverend J R Buckland, nephew of Dr Arnold, and old boy of Rugby, lived at Albert Terrace in the other half of the Crowthers' conjoined residence.[37] Hutchins school, *the* school in Tasmania for a liberal education, was an important component of status building in the colony.

Boys of the Crowther class went through rites of passage that validated a life trajectory whose primary objective was legitimating their 'innate' right to rule over others. An early ritual was the breeching of boys which allowed them to shed the frocks of early childhood and wear trousers while their sisters were eternally infantilised. It was the boys, on the whole, who went to school while their sisters remained at home to be taught by their mothers or other women in the family. It was the boys of whom William made men. Edward, not Victoire Marie, was sent off to scour Hobart pubs with the boatswain and gather a crew by fair means or foul, drunk or sober; to take them down to Blackman's Bay where the *Offley* was anchored with a ten-ton sperm whale whose blubber would be sliced, minced and tryed; whose head would be cut off and opened so that the spermacetti oil could be extracted. It was Edward who ate chips fried in the oil with the men, who slept on board, awoke early, went ashore and caught the coach back home in time for school.[38]

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[35] By 1859 the Crowthers had firmly established themselves as movers and shakers in the Tasmania, but their sense of being on the periphery, of not being in the Metropole, would always rankle. Ann Laura Stoler offers a critique of the representation of empire as the 'secure colonial enterprise' sometimes depicted in novels and journals: 'If colonial enterprises were such secure bourgeois ventures, then why were European colonials so often viewed disparagingly from the metropole as parvenus, cultural incompetents, morally suspect, and indeed "fictive" Europeans, somehow distinct from the real thing?' (Stoler, *Race and the Education of Desire*, p. 102). Old sensitivities remained barely skin-deep as he battled with the demons of his father and imagined vice-regal snubs. See, for example, Lady Denison's account in *Varieties of Vice-Regal Life (Van Diemen's Land Section)/ by Sir William and Lady Denison*, eds. Richard Davis & Stefan Petrow, Hobart: Tasmanian Historical Research Association, 2004, pp. 65-66.

[36] Regenia Gagnier, *Subjectivities: a history of self-representation in Britain, 1832-1920*, Oxford: Oxford University Press, 1991, pp. 176, 178.

[37] W E L H Crowther, 'An Account of the Life of my Father, E. L Crowther'.

[38] Ibid.

It was the boys, not the girls, who had adventures. The colonies were places where manliness could be explored to its limits. Conversely it became, if anything, more important in the colonies than in England, that girls kept their femininity intact, and that femininity was by definition English. Keese observed this hypersensitivity through her fictional protagonist in *Broad Arrow* who, on arrival in Hobart, is advised:

> Now then, Miss d'Urban, observe rule four, if you wish to keep a clear account with the natives (don't alarm yourself, I don't mean aborigines). When you wish to gain a crusty matron's heart or please a young husband, say of his wife, or the mother's daughter, "Dear me! I quite thought she was English – she is not at all colonial!" The mother will say the daughter hasn't been 'exposed to colonial influence' – the husband will say 'my wife, though born in the colony, is *quite* English in all her notions'.[39]

Unlike their brothers, who were to become secure in their places as central protagonists in the project of empire, young ladies were to be refined and protected from the contamination of colonialism. The refinement was the domain of the mother, and the mother's achievement measured by the eminence of the husbands won for their daughters: the husbands who would inherit the role of protector from the father. Young ladies were measured not by their achievements but by the state of perfection they were able to perform. Their marriages, at best, provided social and professional connections that raised the status of the family from which they came. The nurse, though, was measured by young gentlemen and ladies alike as without trajectory. Often she remained in the same position, even with the same family, while generations of children passed through her care into bourgeois adulthood.

Although Alice Gordon would never gain social equality with her employers or charges, the nurse or nanny was far more likely to remain with a family for an extended period. Governesses came and went and so, often, did other servants. It is not governesses, Gathorne-Hardy notes, who are remembered in memoirs, but nurses or nannies. They were pivotal in the lives of bourgeois children whose class nevertheless demanded that

[39] Keese, p. 88.

they develop a disinterestedness once they left the emotional and physical intimacy of the nursery.[40]

Gathorne-Hardy, himself such a child, embarked on the project of writing *The Rise and Fall of the British Nanny* precisely because he believed that a more accurate understanding of ruling-class men would be attained if their relationships with their nannies were investigated. 'Indeed', he wrote,

> it might well lead one to a new interpretation of British history…These devoted or docile or savage women – their temperaments as various as human nature – might be expected to have played an infinitely greater part in the upbringing and character-formation of our great men than had their parents.[41]

The very projection of inconsequence applied by upper-class employers – indeed trained into them, through their own childhood rites of passage – obscured the profound influence of nurses, not only as 'natural objects' to be 'relied upon', but as active agents of control and purveyors of cultural capital. While there is no evidence of the ways her influence might have been borne by her charges, Alice Gordon was a young woman of character and determination. The nurse/nursery governess ambiguity hints at her desire to raise herself beyond the physicality associated with a nurse and towards the class and values of her employers: not only would she be ensuring the shedding of a savage state in 'her children', she would be aiming for a secure position, with them, on the side of civilisation.

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[40]Leonard Woolf wrote with longing that he 'never again found any safety and civilization to equal that of the gas lit nursery.' Winston Churchill's nanny was, 'in my mind associated – more than anything else with *home.'* Nurses occupied a central position in the lives of bourgeois children who were increasingly separated from their parents. Gathorne-Hardy, p 29, 124.

[41] Gathorne-Hardy, p. 19.

CHAPTER SIX

OVER THREE THOUSAND DAYS: COLLECTING AND RE-COLLECTING

Ten years is a major commitment, a large chunk of a lifespan. In Alice Gordon's case it was nearly a quarter of her allotted time that she spent in the Crowther household. The quotidian experience of ten years spent with children is measured not so much in decades but rather lived as an endlessness of three thousand or so days, and sometimes the days so long that only the hours have any meaning. Time is less a progression than an accumulation of daily repetitions and constant interactions that become etched into the interdependent relationships of their participants. The younger Crowther children knew the intimacy of the smell of Alice Gordon, the feel of her hands as she dressed and bathed them and brushed their hair. They could interpret the facial expressions and movements of body that expressed her moods, just as she grew to know the intricacies of the characters of each of her charges.[1] She, like other members of the family, would have been incorporated into their imaginative role-play. In between and during the toilet-training, dressing, feeding, mending, tidying, tending of coughs, colds, scraped knees, was an ongoing verbal interchange: whether to amuse, or chasten, or teach or just to pass the time of day. Through these actions the children would be moulded by Alice Gordon but so, too, would she be shaped by her years in the household. This time lived with the Crowthers would confer familiarity, authority and identification on Alice Gordon; her ties to the household becoming all the stronger because of the absence – or distance – of her own kin. And a decade spent with this family whose motto *Carpe Diem* was so energetically applied to all the opportunities that could be exploited or attained in the colony, would shape her own sense of identity, motivation and realisation of opportunity in Tasmania.

A lot of words can be exchanged in three thousand or so days. Alice Gordon would have come with her own arsenal of stories, retold from her own childhood as well as later readings and experiences. The tales told by nurses were often remembered vividly by their charges. In the nineteenth century, the Irish novelist, Lady Gregory, acknowledged

[1] Holly Blackford refers to the 'vital emotional intercourse' of the senses and non-linguistic bodily communication and accommodation that are the primal qualities of experience and argues that non-verbal expression develops an eloquence among communities who are silenced. Holly Blackford, 'Vital Signs at Play: Objects as Vessels of Mother-Daughter Discourse in Louisa May Alcott's Little Women', *Children's Literature* 34, 2006, pp. 1-36, pp. 7, 8-9.

Mary Sheridan, her childhood nurse, as the source of many of her published stories. Leonard Woolf's nurse read him excerpts from the *Baptist Times* and de Quincy's *Confessions of an Opium Eater*. The nursemaid of Charlotte Yonge used to terrify her with recitations of John Taylor's *Melancholy Adventures of Poor Puss* in a dark passage. Charles Dickens' nursemaid alarmed him with stories and had 'a fiendish delight in my terrors', dramatising her stories by clawing the air and issuing ghostly groans. Robert Lewis Stevenson's nurse had a 'strong and imaginative Scottish mind … steeped in Bunyan'. Although she was a committed Puritan and recited psalms, hymns, bible stories and 'tales of the suffering and death of the Scottish Covenanters', she also read to him from sensational Penny Dreadfuls. Their walks often took in the cemetery where she told terrifying ghoulish tales of Resurrection Men.[2]

The nurse's own life might also be drawn out by curious children; stories of previous charges, or their own home lives, or generational narratives. Upper-class memoirs of childhood recall regional voices of Somerset, Scotland and London, and lives familiar through retelling but also exotic in their difference from the nannied environment of these privileged children.[3] Sally, the nurse Edward Crowther later employed, may have given her charges insights into her upbringing at the Queen's Orphan School in Hobart's New Town, established to raise the children of convict women .[4] The stories that Alice Gordon brought with her have not survived, but there is little doubt that they existed and were absorbed into the Crowthers-in-the-making; that they contributed to the fact that these children were, at least in part, 'nanny-made'.[5]

While Alice Gordon may have regaled her charges with stories from her past, she is likely to have soon absorbed and reiterated or rejected the stories that formed the Crowther ethos of which she was becoming part. Given the length of her service, these stories cannot have failed to have become part of her cultural identity in ways that both drew her in and excluded her. The house itself provided an intense imaginative structure through which the identity of its inhabitants was defined. Every object at Albert Terrace was imbued with its own meaning, conferred because of its source or

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[2] Anthony Hale p. 163; Gathorne-Hardy, pp. 124, 289; pp. 63-4; 283.
[3] Frances Partridge describes her nurse's origins as 'shrouded in legends connected with a very poor Dickensian life in the East End'. Gathorne-Hardy, pp. 26, 145
[4] Mary Crowther Cree, *Edith May, 1895-1974: life in early Tasmania,* Toorak: James Street, 1983, *passim*.
[5] Anthony Hale chastises biographers of the Irish writer Lady Augusta Gregory (b1852) who define her as 'self-made' because of the disregard and neglect she suffered from her parents. Hale describes Lady Gregory as nanny- rather than self-made. Hale, p. 163.

usage. Some of these objects were fetishised through generations. Each time it was stopped at, passed, sat beneath, drunk from or handled by servants, it served as a mnemonic for the enrichment and reinforcement of Crowtherness. [6]

From the walls of the dining room Crowther ancestors oversaw formal meals and household prayers, establishing the progressive chain of upward mobility enabled by the industrial revolution: Robert Crowther, mill-owner and Mayor of Preston; Philip Wyatt Crowther, Comptroller of the Guildhall in the City of London; Dr William Crowther Senior, MRCS, emigrant to Tasmania and father to Alice Gordon's employer. Tables, whatnots, desks, sideboards, shelves and mantle-pieces were laden with objects imbued with meaning: the silver tea urn given to William Crowther Senior by citizens who supported his strong stance against the flogging of convicts; the piece of Cape Barren crystal he had sent to London for cutting, engraving 'with the arms of the Crowther family and set as a seal exquisitely '.[7] Small bags of Californian gold dust, possibly the more innocent relics to be kept in the cedar bookcase in the surgery, provided the touchstone for a tale of entrepreneurial success.

Clearing afforested land granted to him with assigned convict labour, establishing saw mills, William Crowther, Alice Gordon's employer, had chosen his moment and used these resources for the fabrication of frame houses and shopfronts which he had transported to San Francisco in a chartered ship when the gold-rush began in 1849. His profits went towards buying the first schooner, *Surf,* and the fleet that grew from this was represented by paintings, ' hung as far as one could see' along the length of the hallway and landing walls of Edward Crowther's house – one presumes in a similar formation to their previous arrangement at Albert Terrace: *Offley*, *Isabella*, *Sapphire*, *Velocity* , *Elizabeth Jane* and *Marie Louise*. Each of these provided a mnemonic for tales of adventure and exploration: of whaling, and gold, of storms and ice, reefs and mutinies , of tales of imperial entitlement. *En masse*, united under the one flag, they

[6] See Krasner's description of the object-filled home environment's function as both mnemonic and as a monument to memory. Krasner, pp. 209-10.

[7] The Crowther stories, objects and rituals are, for the most part, drawn on Cree's family histories relating to Edward Crowther's household at *Coreen*. The objects I refer to are clearly inherited by Edward as the eldest surviving son, and would therefore have come from Albert Terrace. My extrapolations from Edward's household and rituals are based on Edward's position in the family as eldest son and the expectations that he follow more closely in his father's footsteps than the other children. He lived only a block or two away , was his medical partner and served with him in government (Cree *Edith May,* pp. 6-7; *Emily Ida,* p. 18). The crystal was described in the *Courier*: 'It surpasses anything of the kind hitherto found in any part of the world and shows in some measure the valuable sources of produce which these comparatively unexplored countries possess.'*HTC*, 30 January 1835.

boasted of the capitalist prowess of the paterfamilias, and his global reach. During the 1850s and 1860s, these ships were hunting and trading, for the most part in the Southern Seas, but also beyond. Six of them were whalers, but not exclusively so. The *Velocity*, purchased in 1860, was employed in sperm whaling. The *Offley* also went to Kerguelen and Heard Islands to hunt sea elephants for oil. The *Surf* was sent to Valparaiso and the *Marie Louise* to equatorial Pacific Islands and the Coral Sea to harvest guano which had just been rediscovered as a wonder fertiliser.[8]

The 'overwhelming assertion of meaning' , the volume and presence of Crowther memorabilia, would have overshadowed Alice Gordon's own whenever she stepped out of the nursery.[9] In stark contrast, the environment which she could personalise was minimal. Sharing a room with small children, a chest top, may have been the only place for displaying objects precious to her, and these could not be so delicate that they would not withstand being picked up, or pointed at, by the inquisitive hands and minds of the younger Crowthers. Things too precious, too private, had to be kept in the trunk she had brought out on the *Constance* , probably stashed under her bed, and brought out only in rare moments of privacy. Such objects, like her shipmate Annie Sach's prayer-book, would connect her to people left behind.

But the longer Alice Gordon lived at Albert Terrace, the more her stories and those of the Crowthers would intertwine, and new ones, based on shared experiences, would be introduced. Objects made for, with and by the children or other members of the household would hold their own meanings, even if they were not displayed on the dining room walls or in the drawing room cabinet. Through mnemonics of daily movement and repetition Alice Gordon's identity would be inscribed with Crowtherness. But her own strong personality would never be lost in this identification. At some point during her time with the Crowthers, Alice Gordon shed her first, girlish, name and adopted one with greater gravitas: Gertrude.

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[8] W E L H Crowther, 'An Account of the Life of my Father'; Cree, *Edith May,* pp. 9, 84-5, 102-4; W E L H Crowther, 'Crowther, William Lodewyk (1817 - 1885)', *ADB*, vol 3, Melbourne: Melbourne University Press, 1969, pp. 501-503; Alan Villiers, *Vanished Fleets; sea stories from old Van Diemens Land,* Cambridge: Patrick Stephens, (1931), 1974, pp. 180-185. In 1865 Crowther formed the Anglo-Australian Guano Co. and obtained a lease for Christmas Island.

[9] Krasner uses this phrase for the way the environment is represented as '*literally* press[ing] against the individual to assert its own structures, meaning and power'. Krasner, p. 226.

Beyond the walls of the house, Hobart offered multiple significations that would trigger the retelling of family stories as well as opportunities for new ones. [10] Crowtherness was inscribed in the very landscape of the port town. A walk to the wharves would have brought the paintings in the hallway materially to life. One or more of the current Crowther fleet was likely to be moored at the far end where the stench of seeping whale oil was less likely to insinuate itself into the household goods being delivered by the trading barques. But what was present before their eyes could be augmented by other, earlier ships: the *Cumberland* that brought the first Crowthers to the colony and was later taken by pirates at sea; the *Emu* that had departed for England in 1839 with William and his menagerie of native animals that were sold on arrival and provided the money for his medical studies.[11] The distance between the harbour and Albert Terrace was most easily bridged by a short-cut through St David's cemetery where the ironically worded epitaph of William Crowther Senior was to be seen on his tombstone beneath the central willows. [12] And two of the siblings of Gertrude Gordon's charges would have been buried here. William, the first born, had died aged eight, the year of his father's Californian venture, and would have been unknown to the younger children, but Eugene, not quite three, had died shortly before Gertrude Gordon joined the family, a palpable absence in the nursery, a gap between Caroline and Emmaline.

Not only the town but the mountain, too, was woven into the Crowther embrace and used to reinforce the family's fortitude. When he was apprenticed to his father (who 'was of indifferent health'), William walked over Mt Wellington to Huonville once a fortnight to visit patients. He continued to make the mountain his own, leading rescue parties in search of others who were less well acquainted with *his* territory.[13] He

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[10] On Sunday afternoons Edward, sometimes with his brother Henry, took his children and dog for walks which became rituals of storytelling. Cree. *Edith May* pp. 20-21.

[11] W E L H Crowther, 'Surgeon Apprentice and Naturalist: being incidents from the journal of William L Crowther during the voyage of the barque "Emu" from Van Diemen's Land to London dock, February 24-June 23, 1839', typescript, SLT Crowther Collection.

[12] *Mercury*, 13 April 1885. William Crowther Senior's tombstone, inscribed with the words 'Not ignorant of evil himself, he learned to pity the wretched' now lies half-hidden in a flowerbed in St David's Park.

[13] Nehemiah Bartley desribes being taken up by Crowther. They left one icy dawn in 1849, kitted with sandwiches and brandy. Neremiah at nineteen struggled to keep up as they clambered over trees and battled undergrowth. The purple dye from his soaked and shredded trousers stained his legs, the nails of his boots fell out (Nehemiah Bartley, *Opals and Agates; or Scenes under the Southern Cross and the Magellans*, Brisbane: Gordon and Gotch, 1892, pp. 8-10). In January 1858 Crowther led a search party for the *Derwentwater's* surgeon who had gone missing. The party included, among others, four unnamed Aboriginal men from one of the boats in harbour, two sons of Mrs Seal (who owned a whaling fleet), Dobson, Jr, and one of the Cotton sons. *HTC*, 29 January 1858.

frequently proved his prowess and tested the mettle of family and visitors alike by taking them hiking. His mother, on one such walk, had to be coaxed down with opium. Each occasion would have augmented the symbolic meaning of the mountain in the Crowther narrative.

Beyond Hobart and Mount Wellington, the experience of Crowtherness was augmented by the places they spent their holidays. At least once a year, the household travelled to Bushy Park, some 56km north of Hobart, where William Crowther's older sister Elizabeth lived with her husband William Blyth, and their nine children. Summer visits were not the only ones. William Crowther probably attended the births of his nieces and nephews, and the visits he made when any of them were sick were commemorated by the children with this ditty:

> Multiplication is vexation
> Cod liver oil as bad
> Rubbing with ointment burns my throat
> And cold tea drives me mad.[14]

The matriarch on these holidays at Bushy Park was Sarah Crowther, William and Elizabeth's mother, who lived with both her children at different times. Her presence in the lives of her eighteen grandchildren in both households gave them a glimpse into a Georgian world, less restrictive of women, less anxious about emotional expression. It was Sarah who had ensured her daughter, as well as her son, was well educated, though it was only her female descendants who were required to balance boards on their heads for their deportment. It was Sarah's traits of energetic determination and entrepreneurship, so characteristic of her son, that made it possible for William to gain his medical education in England and Paris. During the economically and socially stormy years of her marriage, her collecting and taxidermy had been both a means to gaining vice regal acceptance and crucial to her son's advancement. She helped him prepare a collection of skins and stuffed native fauna which he took to England along with live birds and animals. There he sold them to the Earl of Derby, and the money derived paid for his medical training.[15] Her own collection was extensive . When she had to dismantle

[14] Beatrice Blyth, 'Reminiscences in a series of letters to Sir William Crowther, 1941. Photocopy, SLT Crowther Collection.

[15] On the 13th Earl of Derby's death in 1851, this impressive menagerie at Knowsley Park (1272 birds and 345 mammals) was given to the Royal Society for its Zoological Gardens at Regents

it, probably after her husband's death in 1839, she presented some of her collection to Lady Jane Franklin, the Governor's wife, and sold the rest for £72. But she began again, and involved the children at Bushy Park in this passion for collecting, whether it was butterflies, bulbs, parrots or cucumber mullet. [16] Collecting was an integral part of being a Crowther, whatever age or gender. Gertrude Gordon would have been involved both in encouraging the nursery-aged children to find objects of interest, and in training them to discern their ever finer points of difference. In the taxonomic obsession that marked the Victorian age, these were objects through which lessons could be learned about the natural world, and the prerogative of humankind to discipline and arrange it.[17]

For a decade or more, Crowther's other commitments had thrown his scientific pursuits into abeyance, and he was not especially interested in the local Royal Society.[18] But the prospect of a world stage was rekindling his enthusiasm. In 1862 he had shipped the lower jaw and teeth of a sperm whale to England to form the entrance to the Tasmanian Division of the London International Exhibition.[19] This spectacular display drew Crowther to the attention of Dr William Flower, Curator of the Hunterian Museum at the Royal College of Surgeons and stimulated a relationship that would become of far-reaching consequence for the family.[20] If he and his mother had made use of Tasmania's wildlife to fund his own medical education, then William Crowther could see that the skeletal remains of whales could provide cultural capital and a smooth passage through medical training for his sons. Over time, scientific interest, status and intimacy began to merge in Crowther's voluminous correspondence with Flower:

Park. His son and successor converted the cages and animal houses into labourers' cottages. T E Kebbel, *Life of the Earl of Derby, KG*, London: W H Allen, 1895, p. 198.

[16] Blyth.

[17] Regenia Gagnier, 'Introduction: boundaries in theory and history', *Victorian Literature and Culture*, vol. 32, no. 2, 2004, pp. 397-406, p. 401.

[18] 'The stern realities and responsibilities of professional life coupled with the possession of a large family … left but little time on my hands either for collecting or keeping up correspondence with any of the London Societies'. 23 May 1863. Crowther Flower Correspondence. Royal College of Surgeons Archives, London.

[19] Royal College of Surgeons. The jaw was 13 ½ feet long. Responsibility for the Tasmanian section of the International Exhibition of 1862 lay with Dr John Milligan, former protector of Aborigines at Oyster Cove, now resident in London.

[20] Flower became the Curator of the Hunterian Museum in 1861.

> As it is always pleasing to carry in one's mind's eye the physiognomy of those with whom one is corresponding would you kindly send me a photograph of yourself and half. Herewith enclosed one of myself.[21]

Throughout the latter half of the 1860s, while Gertrude Gordon tended the younger children at home, the older boys, along with skeletal remains for the Royal College of Surgeons Museum at Lincoln's Inn Fields – and skin rugs for the Flowers' home above it, – were shipped to London to bolster the Crowthers' cultural capital both in the metropole and the colony.

In 1864, when Crowther was having the first whole skeleton of a sperm whale prepared, he wrote to Flower:

> my son Edward is one of the first that I have formally instructed and I trust when you come to know him you will find that altho' at the Antipodes we have not degenerated physically or mentally and still retain our affection for and attachment to, the institutions of the Mother Country.[22]

And already by June 1865, at the time the whale was arriving at the London Docks, Crowther was weaving familial intimacies into his correspondence. On hearing that Edward had arrived in England, he wrote:

> when he first turned his attention to professional matters he gave evidence of a very Superior Mind … Of Mrs Flower's kindness and your own to him as a stranger he writes in the highest terms.[23]

Willie, 'a plodding, steady young fellow', according to his father, followed Edward in 1866, and Bingham, 'one of the most irritable fellows on earth', would set off three years later.[24]

The carcase of the sperm whale that was sent to London and would fill the foyer of the Royal College of Surgeons had been landed at Little Oyster Cove where, over several weeks, a number of men and boys were employed by Crowther to cut the rotting flesh

[21] 23 May 1865, Royal College of Surgeons, Hunterian Musem Archives (RCS).
[22] Ibid. 23 May 1864, RCS.
[23] Ibid. 23 June 1864, RCS.
[24] Ibid. 23 March 1866 (Willie); 5 August 1869 (Bingham).

from the skeleton. [25] Oyster Cove, 45km south of Hobart, was where William Crowther had built his saw-mills, and then established orchards on the cleared land. [26] It was where the Crowthers, for generations, spent their longer holidays.[27] And, more significantly, it was here, adjacent to the Crowther land, that the Aboriginal Station had been established in the buildings of a disused convict probation station when the concentration camp on Flinders Island was closed down. [28]

The proximity of the Aboriginal reserve and the Crowther land is not apparent in the accounts of holidays at Oyster Cove. It may have been out of bounds, but its closeness must have been palpable to Gertrude Gordon, a subject of great curiosity. Edward told his grand-daughter, and no doubt his siblings during Gertrude Gordon's time, that as a child, when travelling down to his father's sawmills in the 1850s, looking from the steamer,

> he saw a whale[sic] boat manned by aborigines. They had pulled off from Oyster Cove, four women at the oars and a man steering. Edward was only young but he recalled that the women who were doing all the work, were extremely ugly and all of them were smoking clay pipes. He described them as looking more like monkeys.[29]

Such markers of racial difference and inscriptions of worth were part of an everyday discourse among colonists, even those, like James Bonwick, who became known as 'the Aborigines' Friend' for his sustained attacks on the treatment of indigenous Tasmanians. Bonwick's *The Last of the Tasmanians* went some way towards counteracting the promotional literature touted to intending emigrants. The colonial government distributed thousands of copies of Hugh Munro Hull's almanac, the *Royal Kalendar and Guide to Tasmania* around England in an effort to commandeer new settlers to

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[25] *Illustrated London News* 1866, Mary Evans Picture Library, picture 10071266; W E L H Crowther, 'Surgeon Apprentice and Naturalist'. It arrived at the London Docks in June 1865.
[26] He had been granted 500 acres in 1855. Abstract of Title, Dobson and Mitchell Legal Papers. Papers relating to the land transactions of W L Crowther 1855-, AOT NS1123/10/4**.** Crowther had a house built near the terminus of the tram road. It was set alight in 1857, but was probably rebuilt fairly soon afterwards. *HTC*, 10 August 1857.
[27] Mary Crowther Cree writes that William Crowther had a cottage built for a caretaker, another for the cook and domestic servants, as well as a schoolhouse where his children could be taught by a tutor in the long vacation. Cree, *Emily Ida,* pp. 8-9.
[28] In 1900 Edward Crowther bought the reserve itself. W E L H Crowther, 'Concerning Oyster Cove and its Inmates', SLT Crowther Collection.
[29] Cree, *Edith May,* p. 27.

Tasmania. Here, before they even left England, people like Gertrude Gordon read descriptions of the Oyster Cove Aboriginal community:

> There are five old men and nine old women living at the Oyster Cove Station - uncleanly, unsober, unvirtuous, unenergetic, and irreligious, with a past character for treachery, and no record of one noble action, the race is fast falling away and its utter extinction will hardly be regretted.[30]

It may have been that the absence of childhood recollections about the Aboriginal Reserve in the period that Gertrude Gordon was with the Crowthers was because the children were kept away, 'protected' from the perceived degradations. And yet it may have been that the very milling operations that sustained the Crowthers here, were the ones that endangered the Aborigines. W E L H Crowther (Edward's son) wrote:

> The natives later found diversions with the bad white men (of the splitter sawyer type) and the strong liquor obtained from them.[31]

Without any income of their own, and barred from the hotels, Aborigines who wanted to obtain alcohol were at the mercy of the sawyers. In 1859, William Crowther had managed to get a license stopped for a hotel proposed in this location, arguing that the publican's sole purpose was to supply Crowther's eighty sawmill employees, but no complaint appears to have been made by anyone about the other hotel here, 'The Aboriginal Inn'.[32]

The Aboriginal man Edward saw rowing the boat was Walter George Arthur, whom Sarah Crowther had visited at the orphanage when he was a child. Walter and his wife Mary Ann had been strong defenders of citizen rights of Aborigines, and he the main signatory of a petition to Queen Victoria about the treatment of Aborigines on Flinders

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[30] H M Hull, *Royal Kalendar, and Guide to Tasmania for 1859,* Hobart: 1859. This annual guide came out first in 1858 and Hull was still publishing emigrant guides in the 1870s. He also gave a lecture on Tasmanian Aborigines at the Hobart Mechanic's Institute in October 1869. R. L. Wettenhall, 'Hull, Hugh Munro (1818 - 1882)', *ADB*, vol. 4, Melbourne: Melbourne University Press, 1972, pp. 441-442.

[31] W E L H Crowther, 'The Final Phase of the Extinct Tasmanian Race, 1847-1876', *Queen Victoria Museum Records,* no. 45, 1974, p. 9.

[32] Objection to the Licensing Board to an application by John Jackson for the Birmingham Arms and licensing of Joseph Bridge's The Aboriginal Inn. *Mercury*, 2 December 1859.

Island.[33] In 1859 they lived in their own cottage near the reserve, where they were visited by Bonwick:

> The room into which I was brought had many tokens of civilization and gentility wanting in most country cottages of England. The furniture, though homely, was suitable and comfortable. A carpet covered the floor. Not a particle of dust could be seen. A few prints adorned the walls, and books lay on a side table. The Bible occupied a conspicuous position. The daily newspaper was there, as Walter was a regular subscriber for the press. The table was laid with quite a tempting appearance, and a thorough good cup of tea was handed round by the jovial looking hostess. It was about the last evidence of civilization to be witnessed in connexion with the interesting race of Tasmanians.[34]

This measure of civilisation was couched in similar terms to bourgeois descriptions of working-class respectability; the kind of modesty and cleanliness that might be expected of someone of Gertrude Gordon's class. But Bonwick also intimates that he was witnessing a moment in time, unsustainable in the long term. Civilisation rested on a classed society. It was his opinion that the Aboriginal children removed to the Queen's Orphan School:

> Could not be happy at the school and they were not content with their position in a family. However English lads may reconcile themselves with a life of subordinate servitude, it was too opposite to the instincts of the Aborigines, and they fretted under restraint.[35]

Edward Crowther's status at birth ensured that he had no need to consider a life of 'subordinate servitude'. From a position of racial privilege he could amuse children by making fun of the Aborigines he had seen in the boat, but his attitude was ambivalent. His offensive and patronising remarks exist beside an account of a friend's childhood

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[33] See chapter one of Henry Reynolds, *Fate of a Free People: A Radical Re-Examination of the Tasmanian Wars*, Ringwood: Penguin, 1996, pp. 1-26. The writer of an article about a visit to Oyster Cove in 1853, said that Mary Ann was a fluent reader and had asked for books. She had read Harriet Beecher Stowe's *Uncle Tom's Cabin*. *Examiner*, 10 December 1853.

[34] James Bonwick, *The Last of the Tasmanians: or the black war in Van Diemen's Land*, London: Sampson Low, 1870, p. 284.

[35] Bonwick, p. 349.

friendship with two Aboriginal boys, Walter George Arthur and William Lanne, at Oyster Cove, which he carefully preserved among his papers.[36]

Crowther identities were formed by quotidian comparisons with others: others to be emulated, others against whom to feel superior. Under Gertrude Gordon's eye, her charges collected, adopted and discarded identities as they learned their social place. The Crowtherness of Gertrude Gordon, educated, intelligent and ambitious, was limited by her class and gender, but in these ten years one of the identities she would have been aware of acquiring was that of a colonising race, ranking her as clearly superior to Tasmania's indigenous population.

The Crowther household was itself an entity, its members varying in age, class and gender, though all white. But the boundaries of the household, like those of its members, consisted of a 'porous membrane'.[37] As an entity, the household was supported by the accumulation, *the collection*, of cultural capital that enabled the domestic space to be constituted with the whiteness that domestic bourgeois ideology required. But the process of collecting and accumulation that was the Crowther enterprise went far beyond the walls of Albert Terrace and included, for instance, the multi-cultural crews on the whalers: Tasmanian and mainland Aborigines and Islanders included. The membrane of the household was anyway easily pierced, by uneasy associations of commerce and femininity that threatened bourgeois integrity.[38] Perhaps it was to those members who were in reality only associate members, the likes of Gertrude Gordon, that the pulsing, mutating entity of the Crowther household was most problematic.

Gertrude Gordon had been present at the birth of the youngest child and moulded her into the ten-year-old she now was. Emmaline and Caroline were nearing their teens. She had been there when Sarah Crowther died. She had witnessed the fitting of a

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[36] John Groves. MS C12537, SLT Crowther Collection.

[37] William Connelly, cited by Regenia Gagnier, 'Introduction: boundaries in theory and history', p.400.

[38] Helen MacDonald cites a conversation recorded by Morton Allport, who scorned the entrepreneurial ventures of his rival, Crowther, as déclassé and unbecoming to a professional man. Allport directed his criticism at the most vulnerable spot, citing not only a domestic setting but naming a Crowther daughter, whose very purpose was to represent the status and refinement of the family. He suggested sarcastically that Crowther's family was contaminated by his commercialism, writing that he had overheard a conversation in which Caroline Crowther commented on a man's moustache:'… your moustache doesn't seem to get on very well, never mind, I'll bring you a … pocketful of pa's *Guano*'. Helen MacDonald, *Human Remains : Episodes in Human Dissection*, Carlton: Melbourne University Press, 2005, p. 174.

Crowther ship for the Otago goldfields, the election of William Crowther to the House of Assembly – and his angry resignation when he was not given a portfolio in the Dry ministry.[39] She had seen Edward and Willie depart for London, and Victoire Marie prepared for society. She had probably sewn the gowns for the adult Crowthers to attend balls at Government House and witnessed their excitement both before and after. Gertrude Gordon's status was by association with the Crowthers but, however much she might have desired it, and however much her responsibilities had increased, she could never be one of them. Albert Terrace was not her house. Those she had nurtured were not her own children. Furthermore, they were growing beyond the need for her care; worse still, *outclassing* her. The years were passing for Gertrude Gordon, too. Nearing thirty she would be considered too old to be single in the world outside service, but too young for the questionable security and stultifying finale of becoming an old family retainer if she stayed put.

[39] Crowther polled highest in the Hobart elections in November 1866, but T D Chapman, who came in second, was appointed to the Cabinet (*Mercury*, 9 November 1866). He resigned, noisily, the following month, publishing statements in the *Mercury*, while the *Mercury* issued scathing attacks on his integrity (see, for instance, *Mercury*, 20 December 1866). Crowther's disappointment may have been exacerbated by the fact that the Queen had just issued instructions that Cabinet Ministers would be allowed to retain the title 'Honourable' for life (Fenton, p. 322).

CHAPTER SEVEN

WHOSE BODY?[1]

In its first edition of 1869, the *Mercury* found it difficult to find anything positive to say about the year that had just come to an end: 'a failing revenue, declining trade, circumscribed commerce at home and abroad, decaying industries, absence of enterprises, and general stagnation form a dreary catalogue of adverse circumstances'.[2] The year had begun with aplomb. Prince Alfred, Duke of Edinburgh, had arrived as the colony's first royal visitor. Hobartians illuminated their windows, created extravagant arches and watched with awe the flotilla of ships and grand display of fireworks. No doubt, some of the Crowther children, taken through their steps and dressed immaculately by Gertrude, would have joined the vast youthful choir that sang patriotic songs especially written for the occasion by Louisa Anne Meredith.[3] Only a block away from Albert Terrace thousands congregated along Murray and Macquarie Streets to watch His Royal Highness laying the foundation stone to the city's new cathedral.[4] At the Regatta, while William and Victoire Crowther presented prizes to race-winners, the Prince came face to face with William Lanne, now hailed by the British as King Billy, the last man of his tribe. How fitting, some might have thought, that the whaling ship Lanne was about to rejoin as a sailor, was the *Runnymede,* named after the place of the historic Magna Carta signing.[5]

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[1] Much of this chapter is based on the correspondence between W L Crowther and W Flower held at the Royal College of Surgeons. I first approached the College in 2001 and in 2003 went through the correspondence. A draft of this chapter followed and in the summer of 2004, I presented a paper, 'The Savagery of Civility' based on this at the *Colonialism and Its Aftermath* Conference in Hobart. Here I found myself on a panel with Helen MacDonald who was giving a paper covering much of the same ground, and with similar conclusions. Her thought-provoking book, *Human Remains: episodes in human dissection*, came out later that year. For the most part I have adhered to my original research here, and referenced *Human Remains* wherever MacDonald's research has taken her further. Stefan Petrow preceded both of us in investigating the William Lanne mutilation, although without the benefit of the RCS Hunterian Museum archives. His research focussed on the multiple responses within Tasmania. Stefan Petrow, 'The Last Man: The mutilation of William Lanne in 1869 and its aftermath', *Aboriginal History*, vol. 1, 1997, pp. 90-112.

[2] *Mercury*, 1 January 1869.

[3] Poet and writer. She was also the wife of Charles Meredith MHA, a colleague of William Crowther in the 1876 Cabinet. Sally O'Neill, 'Meredith, Louisa Ann (1812 - 1895)', *ADB*, vol. 5, 1974, pp. 239-240.

[4] *Mercury*, 31 January 1868.

[5] Ibid, 5 March 1869.

Just over a year later, in the early afternoon of Saturday, 6th March 1869, the crowds outside St David's Cathedral Church were not quite what they had been when HRH Duke of Edinburgh laid the foundation stone, but at least fifty *gentlemen*, perhaps even William Crowther, had followed a coffin covered with a possum skin and a Union Jack entwining two spears and waddies from the General Hospital.[6] Many, many more onlookers, quite probably Gertrude Gordon and her charges among them, came to watch William Lanne being carried first to the church and then to St David's graveyard. After a voyage of nearly a year, the *Runnymede* had come into harbour in mid February, and its crew, including William Lanne, had felt their land-legs again in the streets and pubs of Hobart. But after a few days in port, Lanne had fallen ill at his lodging house, the Dog and Partridge Hotel in Goulburn Street, and had died on Wednesday, 3rd March.[7] A member of the North West Tribe, William Lanne's family were the last Aborigines in Tasmania to be captured and exiled to Flinders Island. A young adult at the time of his capture in December 1842, Lanne had escaped the fate of Aboriginal children who were separated from their families and sent to the Orphan School; and as an able-bodied man, working as a seaman, was not subjected to the appalling conditions of Oyster Cove after the Flinders Island Station was closed.[8] There was a sense of occasion on this March day of William Lanne's mourning, a sense of historic moment attached to the funeral procession, as there had been the year before on the Regatta grounds. But there was a small group of people – William, Victoire and Bingham Crowther among them, possibly Gertrude too – who knew that the body contained in the coffin had been mutilated.

The events surrounding William Lanne's death expose the lengths to which William Crowther was prepared to go to secure a reputation in the metropole, and the degree to which colonial identity was unstable, somehow inauthentic, not quite English. The

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[6] 'Among the mourners were nearly all the masters of vessels in port, and a great many gentlemen connected with the whaling trade'. Chief mourners were Captain McArthur, Master of Lanne's previous ship, *Aladdin* and Captain Bayley, owner of the *Runnymede*. Captain Hill, Master of the *Runnymede* and three 'colored' seamen, John Bull of the Sandwich Islands, Henry Whalley of Kangaroo Island (whose mother was probably a Tasmanian Aborigine), and Alexander Davidson, an American, were the pallbearers. *Mercury* 8 March 1969.

[7] *Mercury*, 4 March 1869.

[8] They were captured on land granted to the Van Diemens Land Company where the worst massacre of Aborigines in Tasmania had taken place. The sealer who captured the family was granted a £50 reward, and the family was brought to Hobart and housed in the gaol before being sent to Flinders Island. Soon after their arrival, Lanne's mother, Nabrunga, and one of the children, died. Brian Plomley, *Weep in Silence: a history of the Flinders Island Aboriginal settlement*, Hobart: Blubberhead Press, 1987, pp. 140, 852, 882 p. Lyndall Ryan, *The Aboriginal Tasmanians*, St Lucia: Queensland University Press, 1981, pp. 135-9; *HTC*, 23 December 1842.

allegorical figure of Fama moves restlessly over Tasmania, the feathers of her large wings covered with eyes, seeing all; in either hand a trumpet, one dark, one light for the broadcasting of good and bad fame. Historia selects and records for posterity.[9] Gertrude would at the very least be witness to the battle and defence of the Crowther name in 1869 and aware of the stakes involved. Ten years later she, too, would find herself in Fama's sights.

When the Crowthers removed the words 'Long Live the Prince' from the fanlight, and Macquarie Street had been cleared of its spectators, it was not only the depressed state of the colony that preoccupied the minds of the occupants of Albert Terrace, but a personal setback that had brought gloom to its master and mistress, though a brief reprieve, perhaps, for Gertrude Gordon. Victoire had never been reconciled to life in Tasmania[10] and with their daughter, Victoire Marie, to marry off, Edward and Willie in England and Bingham soon to go, she and her husband increasingly yearned to visit the metropolis. William had devised a plan, in which responsibility for the medical practice would be devolved to Edward whose studies had come to an end in 1866.[11] By the end of 1868, it became clear that Edward was not interested in returning to Tasmania. He had married in England in 1867 and set up a practice in Hogsthorpe, Lincolnshire.[12] Crowther's fury at Edward is manifest in the drafts of the dissolution of partnership with their false starts and crossings through:

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[9] See Hendrik Goltzius, *Fama and Historia* (1586) in Neubauer, p. 56. Neubauer refers to a scene in Gustave Flaubert's *Madame Bovary* when Emma sees a image of Fama on the wall of the cottage of her children's nurse. p. 55.

[10] W E L H Crowther, 'An Account of the Life of my Father'.

[11] 'Time rapidly passes, the boy becomes the man, and those whose education we have been hatching and for whose welfare we have been so solicitous appears upon the field ready to do the battle of life and supply the places of those who have gone before. Another year , if all goes well, will see Edward in this position, ready and able to relieve me from the labours and anxieties of a profession which if practised in the spirit of philanthropy must be one of [?] responsibility. I have now been 24 years steadily at work and with the exceptance of a period of eight or nine weeks in the neighbouring colonies I have never had a holiday. I am most anxious to visit the great Metropolis, feeling assured by this step mental if not bodily vigour would be increased, old appreciations revived and the flight of time so rapid in Colonial life, in a measure arrested. 23 May 1866. Flower correspondence.

[12] *ADB*, vol. 3, p. 503.

> Whereas the above mentioned Edward has ~~never returned to the colony in accordance with the provisions of the… but continued resident in England and practicing his profession there and has never acted~~…[13]

William's anger had barely subsided three years on: 'Edward committed a fatal mistake in not having carried out the plan I laid out for him', he wrote to Flower.

Perhaps Gertrude Gordon had been incorporated into Crowther's plan to go 'Home'. In 1866 her charges would have still required a nursery governess. She might have travelled with them to England. Or, after Edward's marriage, there might have been a suggestion that on his expected return, she would be employed to raise the children he would undoubtedly have. But the tenuousness of both these possibilities may have contributed to her actions in 1869. So may have other events whose seeds had been sown in London way back in 1864 and whose realisation would be felt at Albert Terrace with reverberating effect. The legacy of 1869 would inextricably link the fate of Gertrude Gordon to that of the Crowther household.

Although the bottom had dropped out of the whaling industry with the advent of the American Civil War, and Crowther's entrepreneurial endeavours were at an ebb, his status was on the rise.[14] And in spite of his murmurings about returning Home, by the beginning of 1869, William Crowther's local involvement showed no sign of diminishing. He had decided to run for parliament again, this time as the Hobart member of the Legislative Council.[15] For all his posturing and self-promotion, Crowther's policies encouraged the working man and the lower middle class, people of Gertrude Gordon's background. He stood on a platform of increased suffrage, proportional taxation and more equitable land distribution; and it looked as if he would be returned unopposed.[16] Furthermore, although unable to physically travel back to England, this colonial doctor was at last finding some recognition in the Metropole. Largely through his efforts (driven, perhaps, by his ambition for his sons), the Hobart General Hospital had been

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[13] 6 November 1868. Dobson and Mitchell Papers, W L Crowther, AOT NS 1123/10/4

[14] 23 May 1864. Flower correspondence.

[15] He lost no opportunity for ensuring his name and views were in the press under whatever guise. For instance, he presented a report running for four newspaper columns as Chairman of the Agricultural Committee of the Railway and Progress Association, expounding amongst other things on his view, as 'the working man's candidate' in favour of a fair day's pay for a fair day's work. *Mercury*, 5 January 1869.
The poll was scheduled for 26 March. *Mercury*, 17 March 1869.

[16] He was pushing for freehold suffrage in the Legislative Council and household suffrage in the House of Assembly. *Mercury*, 19 March 1869.

recognised by the Royal College of Surgeons as a teaching hospital.[17] He had been elected a corresponding member of the Royal Zoological Society for his contributions to the knowledge of cetaceans,[18] and his relationship with Flower was promising to reach a new level of intimacy with a visit from Flower's nephew anticipated at the end of the 1869:

> He will receive at the hands of Mrs Crowther and myself that attention for which I am happy to say not only the Antipodes but Tasmania in particular is justly celebrated…a little conversation with anyone from the Old Country is at all times a treat.[19]

One can imagine the anticipation with which the event of letters from 'Home' was awaited at Albert Terrace, and the monthly ritual of opening them; the gathering of family members as they were read aloud. Gertrude Gordon is likely to have received her own mail, but also to have been part of selected readings, or at least received second-hand news of letters from Edward and Willie. William Crowther set enormous store on the Flower correspondence, and with the volume of specimens being sent over to the Royal College of Surgeons Museum, she was probably privy to aspects of these letters, too. William Crowther's standing in the Metropole reflected on her status as one of his household.

Although William Crowther's letters have been preserved in the archives of the Hunterian Museum, there are only a couple of drafts of those sent by William Flower to him. One of these, with many crossings out and insertions, is a carefully composed letter, one that hides its most consequential element within the generalities and lesser points of the whole. Crowther appears to have offered to procure land animals as well

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[17] The push for the Hobart institution becoming a Teaching Hospital had been one of Crowther's main aims during the devolution of power, and Edward one of the first four pupils to enrol in October 1861. (*Mercury* May 21, 1862). Part of his push was Hobart's excellent position for surgical training: 'Where is the School of Anatomy? Where the Lectureships, medical, surgical or anatomical? Where the students?' It was difficult in England, he said, for students to gain experience, but in Tasmania ' the elements of scientific wealth [bodies] are there in abundance, elements that are not available in our crowded establishments in Great Britain'… In no part of the world could a better groundwork be obtained than here.' *Mercury*, 30 November, 3 September 1859.

[18] 29 January 1869, Flower Correspondence. He wrote that it was unnecessary to think of any reward: 'As a member of the RCS I felt it to be my duty to supply material of which the Museum stands in need and shall continue to make additions as long as the means are at my disposal.'

[19] 29 January 1869 Flower Correspondence.

as cetaceans but Flower says that they are already well-represented in English collections, both alive and dead. He writes about cetaceans and the difficulties of obtaining whole skeletons and then segues so seamlessly - both in and out - that one has to read twice to realise that in the midst of this writing of whales, he is couching a desire for two human skeletons, one each of a male and female Tasmanian Aborigine.[20]

From 1864, when this letter was received, there must have been this thought: not only were there Aborigines living just down the track at Oyster Cove, but there were Aborigines buried there too. And at the hospital where William Crowther was honorary surgeon and instructor, not only did sick Aborigines come to be cured, but the bodies of those who died were available to surgeons and their pupils for post-mortems and dissection. At first Crowther wrote to Flower that he thought there would be no difficulty, and that he would either try to ensure that sick Aborigines would be sent straight to the hospital, or try to gain access to those already buried. But he soon realised other collectors had beaten him to it. [21] In discourses of full-bloodedness, and Tasmanian Aborigines were cast as the most primitive race on earth, their remains had become highly sought after.[22]

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[20] 3 March 1864, RCS. In the twenty years leading up to 1884, Flower increased the Hunterian collection of human remains from eighteen skeletons to eighty-nine and 242 crania to 1380, excluding the extensive Davis collection bought in 1880. 'It was largely owing to his alertness and watchfulness that the college seized every opportunity of acquiring specimens.'(Obituary, *Times*, 3 July 1899). There had been an upsurge in interest following Darwin's *Origin of the Species* (1859). Darwin's friend (and Flower's predecessor in the Chair of the Hunterian Museum), T H Huxley, argued that Tasmanian Aborigines were 'the missing link between ape and man' (Petrow, p. 92; *Times,* 15 February 1870, p. 10). Britain's Secretary for the Colonies, the Duke of Newcastle, had asked the Tasmanian Governor, T Gore-Browne, for a pair of skeletons for the Ethnological Society in Oxford in 1861. Ex Tasmanian Governor Denison, during his later Governorship of Madras (1861-1866), wrote for crania to be sent to him. The rising interest was coupled with an anticipation of scarcity because of the concept of Tasmanian Aborigines becoming 'extinct'. In December 1864 the *Times* ran two long articles, the first entitled 'The Last Man' (December 28, 1864 and December 30, 1864).

[21] In May 1864 he wrote: 'Our aborigines are now reduced to about 5 and I will not forget the hint you have given relating to the skeletons. I will try to get an order sent to the Establishment where they reside (25 miles from here) that in the event of serious illness they should be forwarded to the Hospital where if they depart this life attention will be paid to the maceration … of their osteological remains. I will make inquiries for 2 feel assured with no very great trouble a couple could be exhumed from their burial ground.' By early the next year he was less optimistic: 'With regard to the skeleton of the Aboriginal pairs I think there will be a little difficulty as I find that for some time back those running such matters have forestalled all the heads' (23 May 1864, 23 January 1865). RCS

[22] The Superintendent of Aborigines at Oyster Cove, Dr Milligan, failed to record most of the deaths in the early 1850s (Plomley, p. 945). It does not seem beyond the bounds of possibility that these bodies were made available to collectors.

The battle that was to ensue over the remains of 'the last Aborigine' was fought materially, politically, in the press and in the public domain. It exposed questions about the legitimacy of colonial rule and the supremacy of race. It saw fissures of class, and reactions against a medical profession that had, by this middle period of the nineteenth century, assumed such ideological supremacy; and it reignited longstanding feuds.

Gertrude Gordon was able to witness at first hand the tactics William Crowther was prepared to employ, not only to achieve his aims, but to defend his position and maintain an upper hand in a contest that might have meant social exclusion if he had been out-manoeuvred by his opponents. Whatever her feelings about the events themselves, the strategies Crowther engaged are likely to have been appreciated by the woman who, as parlourmaid, had taken her previous employer to court. Gertrude Gordon and William Crowther would put into motion very similar tactics when she came under attack ten years later; though in her case there was no question that failure would result in the complete loss of her reputation. Not only were there similarities of strategy in the two events, but many of the participants were the same. The antagonisms in the fight over the remains of William Lanne were, in some cases and to some extent, rooted in long-standing antipathies, but 1869 confirmed them and in 1879 they would be almost as easily recognisable as opposing chess-pieces.

Soon after Flower's initial request for two human skeletons Crowther had approached the Tasmanian Government and received a positive response, but when the next Aborigine at Oyster Cove died, the local Royal Society laid claim to her. Determined not to lose out again, Crowther had Lanne's body sent to the deadhouse at the Hospital, and wrote again to the Colonial Secretary, Sir Richard Dry, reminding him of his promise that the next skeleton available would go to the Royal College of Surgeons.[23] Dry, who had already had a request from the Royal Society, contacted his fellow members there to ask if they might cede their claim in favour of the Royal College of Surgeons. Royal Society fellow Morton Allport, in consultation with its Secretary, Dr James Agnew, replied that it was of paramount importance that the skeleton come to the Royal

[23] As honorary medical officer Crowther was able to get a coroner's order to do this. At the hospital the honorary surgeons had their own wards with their own patients. The subsequent inquiry indicated that the people who died on those wards were not known by their own names, but as Dr X's or Dr Y's body. Petrow, p. 95; *Mercury*, 15 March 1869.

Society. It should stay in the colony and, anyway, it was their right to have it.[24] Dry sent instructions to the Hospital that Lanne's body should be carefully guarded.[25]

Albert Terrace was not quarantined from this brawl. One to be drawn in was Bingham, nine when Gertrude Gordon first cared for him, and now nineteen. He was Crowther's fourth surviving son; his moods and brilliant piano playing would have raised and lowered the emotional temperature of the household almost as much as his father's endless enthusiasms and confrontations. Victoire was also commandeered. On Friday, 5th March, the eve of Lanne's funeral , Crowther, determined not to be bested, invited the resident surgeon, George Stokell, to tea at Albert Terrace. Here Victoire kept him talking, saying her husband would be home soon, but William had gone with Bingham to the dead-house at the Hospital. There, while Stokell was out of the way, the Crowthers cut off the head of Thomas Ross, a teacher from Cygnet who had died on Crowther's ward and was in the dissecting room; coffined Ross; removed Lanne's skull and inserted that of Ross in its place.[26]

When Stokell returned to the Hospital and heard that the Crowthers had been in the dead house, he immediately smelt a rat and inspected Lanne's body, unstitching the carefully replaced face. The following morning, Stokell contacted not the Colonial Secretary, but Agnew, Allport and another member, John Woodcock Graves, at the Royal Society.[27] The funeral was scheduled for 9am, but Graves had it delayed until the

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[24] Petrow, p. 95. MacDonald points out that Morton Allport, more than anyone, boosted his status by sending Aboriginal skeletal remains away from Tasmania to European collectors and institutions, including the Anthropological Institute of Great Britain and Ireland, the Hunterian Museum, and the Institut Royal des Science Naturelles de Belgique. MacDonald, pp. 99, 117-123.
[25] *Mercury*, 19 March, 1869.
[26] *Mercury*, 8 March 1869.
[27] Graves represented himself as the Aborigines' Friend. He wrote oddly voyeuristic poetry that sexualised Aboriginal women and implicated Crowther. He named his daughters after Tasmanian Aborigines, Truganini, and Mathinna. In 1871 adopting the style of Longfellow's *Hiawatha*, he wrote of Mathinna's death in 1856.
…the mourners slowly bear her back
Along the forest's devious track
And 'neath the she-oaks branches black
A grave they give her!
There resting in her narrow bed
Where Crowther's hand, so gory red,
Can never mutilate her head,
Nor rudely skin her.
Where giant palms their green plumes wave
O'er the dark Queen's unnoticed grave,
Near stately Derwent's rolling wave
Sleeps poor Mathinna!
And now in this our later day

afternoon while the men deliberated. On Allport's suggestion, they agreed that Stokell should remove the hands from Lanne's body, so that if Crowther robbed the grave he would only find an imperfect body. John Woodcock Graves went to the Hospital with Stokell; took the hands back to the Royal Society Museum, just down the road from Albert Terrace; then had second thoughts and had Stokell remove the feet as well.[28]

Lanne's friends and employers, Messrs Colvin, McArthur and Bayley, discovering the mutilations shortly before the funeral, called on Dry to have the grave protected until an official exhumation and enquiry could be called: but on the morning of Sunday, 7th March, the grave was found to have been desecrated, and Ross's skull lay on the grass nearby. By afternoon, hundreds of people had turned out to have a look – among them, the Colonial Secretary, the Attorney-General and John Woodward Graves; but as the coffin had not been taken, *no property* stolen, no indictable offence had been committed. The trail of a wheelbarrow was mentioned – leading out of the graveyard and to Crowther's Australasian Guano Company building in Salamanca Place, but this was misleading. Crowther mentions the sighting of another wheelbarrow, containing a large sack and being wheeled towards the Hospital in the middle of the night. [29]

It is likely that Crowther knew about the grave-robbery because he had indeed tried to steal the body in the small hours of Sunday morning, but had found it already gone. On Monday, 8th March, he said that he had gone to the Hospital and seen the wheelbarrow covered in blood. He followed bloodstains to the disused part of the women's section, while a man was busily trying to scrub them out. When asked, the man told him that Lanne's body had been taken there, and been worked on by the resident medical officer. The room was locked and Crowthers challenged the Superintendent and Dispenser to open it but they 'could not, or would not', find the key. Crowther may have chosen this moment to visit the hospital in the knowledge that a ministerial enquiry into the mutilation had been opened that morning and would be engaging the attention of, not only the Colonial Secretary, the Attorney-General, W L Dobson (Fellow of the Royal

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Her very race has passed away,
E'en Lanne last, whose breathless clay
By jackals plundered
For vengeance cries 'gainst those who sold
His mangled corpse for British gold,
Torn limb from limb, ere scarcely cold,
In fragments sundered!
'The Story of Mathinna' by Old Boomer (i.e. R W Graves), 1871, Allport Library SLT.

[28] Petrow, p. 96; *Mercury,* 8, 27 March 1869.

[29] *Mercury*, 8, 13 March 1869.

Society), T D Chapman (Treasurer and member of the Royal Society Council), Alfred Kennerly (MLC, Chairman of the Hospital Board and member of the Royal Society Council) and other officials; but also that of Dr Stokell, Charles Seager, the house steward, Dan the Barber, and James Weare, the watchman.[30]

This enquiry into the theft of the skull was concluded by lunchtime without calling Crowther, against whom the accusations were being made. At 2pm a copy of the proceedings was delivered to Crowther informing him that he was suspended from his position as honorary medical officer at the Hospital, and that Bingham was barred as a pupil. Crowther lost no time. By 3pm he had returned to the Hospital with two police officers. He was denied admission. He sent for Seager who let him in and asked that the door be opened in the presence of the police officers. But before this could be effected Dr Stokell arrived and said that the Colonial Secretary had ordered that the door not be opened to Crowther. Crowther took a hammer and smashed a panel in the door and there, he wrote, was revealed 'a complete charnal house; *the bones had been removed*, but masses of fat and blood were all over the floor'.[31]

'Et Tu! Brute', Crowther headed a blank piece of paper that evening. He had returned to Albert Terrace in high dudgeon. The missive he wrote would become a letter *cum* defence *cum* accusation, sent to the *Tasmanian Times* and the *Evening Messenger*, and paid for as an advertisement in the *Mercury* whose editor he despised. With careful wording, he contrived to insinuate that Stokell had been responsible for the removal of Lanne's head, as well as the hands, feet and body. When Crowther had left the dead-house on the Friday night, he disingenuously declared, Lanne 'to all external appearance was perfect in every respect'.[32]

A few days later Dry appointed a Board of Enquiry to investigate the events of the evening of Friday 5th March. Its members were Charles Colvin, merchant and friend of Lanne, Isaac Wright, merchant, and William Tarleton, Recorder of Titles, who was chairman. John O'Boyle acted as secretary. Crowther declined to attend. Evidence had

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[30] *Mercury*, 9 March 1869. Alderman David Lewis was also a member of the Hospital Board and a Fellow of the Royal Society.

[31] That same afternoon he organised a petition with 1200 signatories demanding the government reinstate him. Petrow, p. 99; *Mercury*, 13 March 1869. Emphasis in original.

[32] He couldn't help gloating over his handiwork. 'I am credibly informed that the scalp was so neatly sewn together, and so accurately were the parts adjusted, that before anyone could assert [the substitution] for a fact, the whole would require to be opened.' *Mercury*, 13 March 1869.

already been taken and published by the government, he said, and judgement had been pronounced against him.[33] In the midst of the enquiry a sham prosecution against Stokell for removing Lanne's head was enacted. Its sole purpose appears to have been that of subpoenaing Crowther as a witness, so that he would be forced to make a statement under oath. Crowther appeared but declined to answer any questions. Nor did the Enquiry proceed any further. On the third day Colvin and Wright tendered their resignations because Dry refused to expand the investigation beyond the events of the Friday evening when William and Bingham Crowther had gone to the dead-house; refused, in fact, to allow any investigation into the actions of Royal Society members. Tarleton, on his own, adjourned the enquiry pending further instructions.[34] None ever came.

What was the impact of all this on the household at Albert Terrace? There is no doubt that Victoire was implicated. By engaging Stokell in a conversation that would delay his return to the Hospital, she had brought the manipulative possibilities of etiquette into play. As a man in a junior position to her husband, Stokell had no power to end the conversation without being socially boorish. Furthermore the theft involved one of her children – the highly-strung Bingham, who was at the time William's pupil, and whose medical training was now under threat. It was not in William Crowther's nature to keep quiet. I cannot imagine that he would have come home without being fired up about what he later called 'an excellent joke'.[35] I imagine that Crowther considered his home a castle, a place that was his, filled with people answerable to him, and from whom he would expect total allegiance. And how about Gertrude Gordon, whose task it was to protect the Crowther children, and to instil ethical behaviour in them? 'A more religious woman I never met with', Crowther would later say.[36] Here was a woman ready to risk her earthly prosperity for a principle; loyal too, it would seem. There is no suggestion that she wavered, although in the days following the mutilation, no-one seemed to have any doubt that Crowther was responsible. The story prevailed in the press for weeks, and erupted from time to time in months and years to come.

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[33] The enquiry ran over three days, Friday 12, Saturday 13, and Tuesday 16. The *Mercury* printed the transcripts in full. *Mercury*, 13, 15 & 17 March 1869.
[34] Petrow points out that this prosecution was led by Mayor Wilson, closely linked with the Dry government, rather than a Stipendiary Magistrate, Petrow, p. 98; *Mercury*, 16, 17 March 1869.
[35] 19 April 1873, RCS.
[36] *Kenny v. Huston*, p. 9.

At a visceral level, and contaminating every member of the household, was the knowledge of the presence of a severed head at Albert Terrace. The skull, it was believed, had been lowered over the hospital wall in a game bag; all too likely, given that Crowther was a hunting man. While considerable care had to be taken in re-presenting Lanne's body as whole, the skull would have been taken as is, with no time for preparation or finesse. What happened when the man and his son returned? Was it, like game, brought to the kitchen? Somewhere, someone had to remove the flesh from the bone, and 'break down and remove the whole of the brain through the foramen magnum,' to prevent the stench from becoming indescribable. Then the cranium had to be macerated in a barrel of cold water until all the red blood was drained off, otherwise the bone would be stained instead of achieving the 'beauty and whiteness' of a good preparation. [37]

Servants were often unwillingly drawn into the scientific projects of their employers. Louisa Anne Meredith describes an overnight stay at the home of a police magistrate who was a keen collector and contributor to the British Museum. The room her maid was given to sleep in was used to store parts of this collection. Mrs Meredith ridiculed her maid's discomfort.

> I had no easy task … in striving to compose the feelings of the terrified and indignant damsel, who declared she had 'lain all amongst skillintons and dead men's bones, as bad as vaultses under churches'.[38]

Unlike the post mortem fate of the Merediths, the Crowthers, the Agnews and the Allports, who could afford home medical care and whose burial plots would be marked with grand headstones, that of the working classes could be closely identified with the mutilation and sacrilege that had befallen Ross and Lanne. Those who lurched into pauperism in their old age, those who had no family in the colony, might just as easily end up in the Hospital – and the dissecting room.

The *Mercury* described the wave of indignation that swept through Hobart when news of the mutilations leaked out:

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[37] This description comes from a manual written by Dr Joseph Barnard Davis for the people who collected human and animal remains for him all over the world. It is cited in MacDonald (p.108), who dedicates much of her Chapter 4, 'The Bone Collectors', to his activities.

[38] Louisa Anne Meredith, *My Home in Tasmania*, Swansea, Tas: Glamorgan Spring Bay Historical Society, (1852) 2003, p.52.

> People will endure any suffering and sickness rather than seek relief where, if death closes their eyes, their bodies may be treated with an indignity from which, applied to a dog, a sensitive mind would revolt.[39]

The outrage expressed in the streets, the *Mercury* suggested,

> shows that the tone of public feeling is sound and that the common people have a better appreciation of decency and propriety than such of the so called upper classes and men of education who could have committed a flagrant outrage….Honorary officers must be taught that it is in vain to seek that honour in the assurance that…it gives them license to hack and to hew the bodies of those who die at the Hospital for their own amusement, or the instruction of their pupils.[40]

The offence might be beyond legal punishment,[41] but it was the duty of Hobartians to ostracise its perpetrators 'from society by making them marked men, targets for the finger of scorn'.[42] This response indicates the difference between an elite that saw reputations as being a matter of both local and imperial identity, and a lower-middle and working class that was not only less concerned with the Metropole but also less inclined to use ontologised anatomy as a way differentiating between the treatment of one human and another.

Reverend F H Cox, who had led the funeral service for William Lanne, although he had known he had the remains of two bodies in the coffin before him, described the mutilations as 'loathsome', but in the nature of 'medical-student morality' and not an 'unpardonable sin'. The loathsomeness was surpassed by the 'profane and indecent act' of violating the grave 'immediately after the rites of Christian burial'.[43] In fact Cox went so far as leading a large deputation to Government House, calling for Crowther's

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[39] *Mercury*, 9 March 1869.
[40] Ibid. Edward Crowther, apprenticed to his father in 1861, said that there was no lack at the hospital 'of unclaimed bodies of paupers and the victims of judicial hangings' on which to practise anatomy. W E L H Crowther, 'An Account of the Life of my Father'. Often the paupers had been transported convicts and so had no relatives to claim them, or to protest.
[41] Grave-robbing was a common-law but not a statutory offence. All the mutilations at the hospital were statutory offences (or misdemeanours) because they were carried out in direct disobedience to an Order of Council.
[42] *Mercury* 9 March 1869.
[43] *Evening Mail*, 10 April 1869. Cited in Petrow, p.102.

reinstatement at the Hospital. [44] Crowther's peers were far less concerned with the mutilations than with the ungentlemanly behaviour he demonstrated in trying to shift the blame onto Stokell.[45] It was this cowardly act that was put forward as the reason that Crowther's hitherto uncontested candidature for the Hobart seat in the Legislative Council would now be contested. As the enquiry into the mutilation fizzled out in its third day, His Worship the Mayor, Returning Officer, declared in front of a packed audience that a second nomination had been received. At the eleventh hour, Crowther's detractors, including Morton Allport, nominated Samuel Crisp, barrister-at-law, to contest the seat. A poll would be held . Every effort had to be made, Crisp's supporters argued, to prevent Crowther from winning. The *Mercury* editors, provoked by previous confrontations with Crowther, announced on 26th March that he was 'deceitful' and 'unfit for office'.[46]

While William Crowther brazened it out in the public domain, did his patients quietly seek medical advice elsewhere? Was Albert Terrace under siege? Did the calling cards dwindle? Were the younger boys ribbed by their Hutchins schoolmates, or fingers pointed at the nursery governess and her charges when they went for walks or entered shops? And where, on those rare days off when servants of the household spent time with their friends, did loyalties lie?[47] Crowther's later unreserved support for Gertrude Gordon suggests an indebtedness that may have stemmed from more than her care of his children.

Victoire abhorred the kind of stoush that William thrived on.[48] He had written to Flower:

> Since I last wrote to you [27th March 2] our *tumultum in paive* has assumed rather formidable proportions and my labour in the cause of service and *Alma Mater* has culminated in one of the most violent political attacks that has been

[44] *Mercury*, 9 April 1869. The deputation proceeded in eight cabs and included among others Reverend Gellibrand and Captains Fisher and Bayley.
[45] This was particularly spelled out in a letter to the *Mercury* signed 'N'. 19 March 1869.
[46] *Mercury*, 17, 19 March 1869. Crowther accused the *Mercury* of misinterpretation in 1867 when he resigned his seat in parliament because he was not given a ministry (15 August 1867). In his correspondence with Flower, Crowther called Charles Davies, the proprietor of the *Mercury* – also a Royal Society Fellow –, 'the convict'. Flower correspondence, 5 August 1869.
[47] I could find no evidence of servants resigning, but the only intimation would have been places being advertised in the press.
[48] W E L H Crowther, 'An Account of the Life of my Father'.

> made upon any private individual in the Australian Colonies. I am not one of a class devoid of British pluck and no doubt both in personal and *in stet* shall survive the assault.[49]

Later he wrote, ' I must not be egotistical but I fancy I am a match for both the government and the newspaper proprietors.'[50]

News of the mutilation of William Lanne began to be taken up in the British Press. At the end of May, the *Times* referred to the 'unseemly struggle for the skeleton of "King Billy"; and the June edition of the medical journal, the *Lancet*, named Crowther as the perpetrator. Flower at the Royal College of Surgeons, and the man who'd made the original request , stood behind him. [51] In the same way he had segued from whales to human skeletons in the letter that triggered Crowther's actions in March 1869, Flower wrote (in the only other draft letter to Crowther that has been preserved), that he regretted the trouble it had caused, and mentioned, by the way, that a gold medal (one of only four that had ever been awarded by the Royal College of Surgeons), was on its way to Crowther in recognition of his 'valuable and numerous' contributions to the College Museum.[52]

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[49] 22 April 1869, RCS.

[50] 5 August 1869, RCS. Flower, after hearing from Crowther about Lanne and Crowther's banishment, wrote: 'I need not tell you how much I regret that your exertions in the cause of the Museum would have led to such unpleasant results. But I hope that by this time affairs are getting into a more satisfactory state. It is unfortunate that such things should ever come before the eye of the general public who are quite unable to judge the rights of the case and have such strong prejudices.' 18 June 1869, RCS.

[51] *Times*, 29 May 1869; *Lancet*, 26 June 1869, p. 882.

[52] 18 June 1869, RCS; *Examiner* 20 April 1869, in Petrow, p.107. Crowther was lampooned by the poet J B Stephens:

And Blank and myself had sworn an oath,
Secret from each yet sworn to both,
To achieve some scientific note
In catalogue or anecdote
By the munificent presentation
Of King Billy's skull to the British Nation.
Fancy the honor, the kudos, the fame,
A whole museum thrilled with one's name!
Fancy the thousands all coming to see
Skull of the last Aborigine
Presented by Asterisk Dash MD!

Convict Once and Other Poems (1885), http://purl.library.usyd.edu.au/setis/id/steconv , accessed 19 October 2009.

Flower would continue to support Crowther and reject the overtures of Morton Allport who, believing Lanne's skull to be at the College, asked for it back, and sent two other Aboriginal skeletons to Flower, expecting a deal to be struck. Flower had someone else acknowledge receipt of the skeletons, and allowed no expectation of any exchange. See MacDonald, p. 174.

Meanwhile, Crowther won the seat for Hobart decisively. The election, one supporter had argued, 'was not intended to prove who had the black man's head, but rather to show how the white man might live.'[53] But it was as much Crowther as his opponents who was determined not to let the matter of William Lanne rest. His intention was to provide the Secretary of State in London with proof that Dry had abused his powers, drawing on 'his official position for the purpose of damaging my reputation'. Certainly, while it was public knowledge (though never openly admitted by him) that Crowther had taken the skull, it rankled with him that the Royal Society had not been similarly exposed. The sudden death of Dry in early August stopped Crowther's appeal to a higher authority midstream: 'I had to handle the affair in the Legislature carefully lest it should be supposed that I intended to cast obloquy upon the name of a dead man.'[54]

Crowther remained unrepentant. When, as a result of the Lanne/Ross mutilations, an Anatomy Bill was tabled, Crowther moved an amendment that 'all persons dying in hospitals, &c and being unclaimed for twenty-four hours, should be devoted to the purposes of dissection'. 'A similar provision had worked well in England', he added.[55] But the provision in England was forty-eight hours. Nor was there any provision for ensuring that relatives were informed. As Stefan Petrow points out, neither Act would have helped Truganini, wife of William Lanne. Even though she was under Government

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[53]Crisp 112 votes, Crowther 223. The small number of voters reflects the high property qualification for electors. *Mercury*, 17, 23 March 1869.

[54] Although his son Bingham had been allowed back to the Hospital, it was no longer under Crowther's tutelage. Crowther's banishment would remain in force until 1877. At the Hospital Board meeting on 28 March 1869, Dr Butler offered to take on Bingham as his pupil at the Hospital (*Mercury*, 29 March 1869). But it was Butler, too, who tried to scupper Crowther's chances of being admitted as an FRCS. In a letter to Flower, Crowther wrote: 'Herewith I hand you the incomplete certificate on my behalf and do so simply to show yourself and the College authorities the state of the medical world here and the heights to which “Cabal” and personal feeling can go. I have for many years been compelled to stand alone and engaged as I am frequently in some of the most important operations … 30 years in biggest practice … teacher. Dr. Butler promised to sign the formal certificate but after keeping me waiting several days point blank refused . His reasons here endorsed upon the certificate … I know I have long since deserved it and done my best to keep up the status of the profession. This I have always even in Tasmania seen as an honourable one.' 1 February 1873; 5 August, 1869, RCS.

[55] This was one of the first actions of the Attorney-General Henry Dobson under the new Premiership of James Milne Wilson (who as Mayor had led the sham prosecution against Stokell) (Petrow, p. 108). The *Anatomy Act*, 49 Victoria, 23 (1869)was passed on 22 October 1869. *Mercury*, 8 September 1869.

'protection' and the authorities knew exactly where she was, Truganini was not told of her husband's demise until March 13, a full ten days after his death.[56]

In November, notwithstanding the new Act, and quite possibly while it was being debated, Crowther stole another body, this time a boy from the Savage Islands (Niue), who had become very ill on board one of the whalers and died in a house on the old wharf.[57] Crowther wrote to his friend, Flower:

> My son, Arthur Bingham, has made a very nice skeleton for the College of a native from Savage Island in the South Pacific brought here by one of the whalers and who died of pneumonia shortly after arrival. If it has a fault it is rather too young but you will I am sure take the will for the deed whatever its defects might be. He wishes it to be considered a donation from himself. The thought was entirely his own and gave me no little pleasure that his mind ran in this direction.[58]

The following month William Flower's nephew would visit the Crowthers. He and Bingham would spend a fortnight on the penal station at Port Arthur where they would be given the facilities and men to prepare the skeleton of a Southern or Right Whale.[59] Soon after that Bingham would travel to London — another Crowther boy to be guided through his medical studies by the Curator of the Hunterian Museum.[60]

The animosities during the battle over William Lanne's body simmered for decades to come, erupting into major confrontations from time to time: in the public arenas of parliament, the courts, and the press; but also in private – in the cutting and calling routines of social approval ranking, in the gatherings of ladies engaged in philanthropic works and, no doubt, between husbands and wives, parents and children, and servants in the sometimes in, sometimes out loyalties, of household and class.

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[56] Petrow, p. 101.
[57] He tried to negotiate a way of getting hold of the body of this boy, should he die at the hospital, but Dr Thomas Christie Smart, an honorary Medical Officer at the Hospital, refused to have any part in it, and the boy disappeared without ever having entered the Hospital. Petrow, pp. 109-110.
[58] 6 November 1869, RCS.
[59] 29 January 1870, RCS.
[60] 'By the time this reaches you my fourth son will have arrived in England and I can only hope that as far as his profession is concerned he follows in his brothers' footsteps. I am a little anxious about him as he has an extremely difficult disposition and temper**.'** 19 April 1870, RCS.

Crowther's body had never been and would never be at risk in the way William Lanne's had been. He had incurred considerable risk to further the interests of his family's status, had been exposed, and had lost his lecturing chair and ward at the Hospital. But he was a man in a powerful position, with the resources to fight back. His position cannot be compared with those that would be faced by the nursery governess he had employed to look after his children. Having breathed and followed the events of 1869, Gertrude Gordon would find that ten years later it was her body that would become the focus of Agnew, Butler, Crisp, Dobson, Giblin, O'Boyle and Tarleton, parliament and the press; that the animosities that Crowther had fostered in the process of mutilating William Lanne's body would have an impact on the events of 1879; and that it would be she who had to employ Crowtheresque tactical manoeuvres, especially the one of never capitulating. But the stakes for Gertrude would be much higher than those of her current employer. A failure of strategy for a woman like Gertrude would lead to ruin.

CHAPTER EIGHT

'A LANDMARK ON THE HIGHWAY OF LIFE'

In September 1869, during the weeks that the Anatomy Bill was being discussed in Parliament, a fine binding of crimson Morocco was being worked in gold at the establishment of J Walch & Sons, bookbinders and stationers of Macquarie Street. It would enfold a testimonial written in fine calligraphy and decorated with illuminated borders. Six pages of signatures would follow and the whole would be complemented with a purse of 240 sovereigns – the equivalent of about ten year's wages for a nursery governess. Reverend J T Gellibrand who, eleven years before, had conducted a service of welcome, encouragement, duty and warning to the newly arrived immigrants from the *Constance,* was now writing a speech that would accompany the presentation.[1] Its intended recipient was Dr William Crowther, MLC ; its underlying purpose a public show of support in the light of the recent scandal and his removal from the General Hospital.[2] The testimonial was worded 'in recognition of [his] services to humanity'. Crowther's response, to be printed as an advertisement in the *Mercury*, was considerably longer than the address. He wrote that 'the inequality of man's condition contain[ed] abundant matter for reflection', and that much could 'be learned from the poor', especially their generosity, 'charity emanating from the heart, not from motives of ostentation '. He tried, he wrote, to identify himself 'as much as possible with the sufferings of my fellow creatures', to play, if 'it could be done without obtrusiveness, … the part of counsellor and friend'.[3] He thanked his imagined audience for their generosity and told them that the testimonial of their support was 'a landmark on the highway of life'. [4]

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[1] *Mercury*, 28 September 1869.
[2] 'Crowther Testimonial Fund and Friends of Dr Crowther are informed that the Address and Testimonial will be publicly presented to the Hon William Lodewyk Crowther, Esq, MLC at the Alliance Rooms.' *Mercury*, 24 September 1869.
[3] *Mercury*, 28 September 1869.
[4] This whole performance was shamelessly trumping Agnew and the Royal Society. The days of calling for contributions, announcing the presentation to be held at the Alliance Rooms, reporting the event and printing advertisements of transcripts, corresponded to a presentation being made to Dr Agnew by the Fellows of the Royal Society in recognition of his services (*Mercury*, 29 September 1869). About a hundred people attended Crowther's presentation, 'including several ladies who occupied a position on the platform', and he was given, in addition to the testimonial, a purse with 240 sovereigns.

In the midst of these preparations, William Crowther had to tear himself away from literary flourishes. On the crisp, clear Thursday morning of September 23rd, 1869 he had a crucial role to play in what many considered a woman's only 'landmark on the highway of life'.[5] While the leather was being tooled, the pages illuminated and the words composed, Gertrude Gordon was bringing her life as a nursery governess to an end and preparing for her wedding day. She may have been assisted by Mrs Rishton, until recently Matron at the Girls' Industrial School, and witness to the marriage.[6] Gertrude had chosen what was considered the most auspicious day on the Celtic calendar: the vernal equinox marked the end of the dark half of the year and heralded the wedding times.[7] Her husband to be was George Kenney,[8] an Irish shoemaker from Franklin who, like her, had come to the colony as bounty immigrant. He was known to William Crowther who, acting in *loco parentis*, in all probability, now accompanied Gertrude Gordon for the short walk from Albert Terrace to St David's. As protector of those in his household, he would be *giving away* one of its members, handing her over, man to man, to another protector.[9] The ceremony would be conducted by the same 'saintly' and fervent Reverend F. H. Cox[10] who, six months earlier, had presided over the funeral service of the mutilated remains of Thomas Ross and William Lanne, while the latter's cranium was secreted away at Albert Terrace and where, in all likelihood, it still remained.[11]

It is possible that Gertrude Gordon had met the man she was about to marry through William Crowther. In the guise of trustee to the Tasmanian Permanent Building and Investment Association, he had provided a mortgage loan to George Kenney for a

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[5] *Mercury*, 24 September 1869, reported a clear day with a light south-westerly breeze.
[6] AOT RGD37/1/134, Hobart District. The witness signature is C M Rishton. I am making an assumption that this is Mrs Rishton who had strong connections with the Crowthers through the Industrial School and was of Gertrude's class.
[7] *Walch's Tasmanian Almanac and Guide to Tasmania for 1869*, Hobart-Town: J. Walch & Sons, 1869. In 1869 the sun crossed the celestial equator at 10.40 am, a time when the ceremony was most likely to be taking place. License granted 1 September 1869. AOT NS 373/3/3379.
[8] Although George Kenney's name appears with a second 'e', Gertrude always spelt it without. Brothers George Kenney (single, 26) and William (single, 18) both boot and shoemakers, Protestant and able to read and write, travelled from London via Melbourne (per *Pryde*) on 14th August 1853 (AOT CB7/1/13, 96). George's death certificate gives his birthplace as Ireland (AOT RGD, Hobart District, 35/1/10 3007/1886).
[9] 'She married from my house'. *Kenny v. Huston*, p. 9.
[10] His obituary in the *Church News* (1906) described him as 'in character he combined the saintliness of Keble with the fervour of Charles Kingsley. W R Barrett, 'Cox, Frederick Holdship (1821 - 1906)' *ADB*, vol. 1, p. 256.
[11] Geoffrey T Stilwell interviewed by Joan Buckie, 6 February 1989, Cassette recording, SLT, Allport Library.

section of a block of land on the Esplanade at Huonville in March 1867. Furthermore, since September 1868 he had owned the block from which Kenney's had been alienated. The second witness at the wedding also owned a section of the same larger block. [12] A G Pogue was a store owner at Franklin where Kenney lived, and a Lieutenant of the area's Volunteer Corps.[13]

The place to which George Kenney took his bride was some thirty kilometres from Hobart, but the distance is better measured in time than in distance: eight hours by land or sea.[14] The road was still under construction and communication with the outside world was limited to Tuesdays and Saturdays when the steamer *Cobra* called.[15] At least part of the journey was one Gertrude Kenny (as she spelled her name) is likely to have undertaken several times before; on its way south to round the point that would take it up the Huon River, the steamer stopped at Oyster Cove, where the Crowthers holidayed, and the Aboriginal station stood in a near abandoned state. A decade earlier, the *Mercury* had warned intending settlers to the Huon not to 'be disappointed at the barren and cheerless prospects afforded' by this 'most neglected and despised portion of Tasmania', nor to be overwhelmed by the oppressiveness of the 'terrifying horrors of solitude'. But 'the stunted trees', the absence of warbling birds, the 'languid' river, were a 'dodge of nature', a bulwark against the approaches of civilisation'. For not far inland 'was the grandest spectacle that ever human eye had gazed upon': gums, wattles and stringy barks, 100 metres high. Beneath the shadow of these trees, the *Mercury* continued:

> reposes a soil for six thousand years untaxed by the claims of man … what desires the very contemplation of such objects originate in the breast of enterprising man … To subdue such formidable obstacles of nature is one of the purposes of man. Here he has them in their most defiant attitude. They have been encountered; British courage has not cowered before them; and the result is that gum trees, wattles and stringy barks, have yielded to the progress of

[12] On 24th September 1868, Crowther and another investor bought a large block of land from which two corner sections had been alienated: one to G Kenney, Gertrude's husband to be, and the other to A G Pogue, their best man. On 15th March 1867, George had taken out a mortgage on his land with Robert Walker and William Crowther, Trustees of the Tasmanian Permanent Building and Investment Association – to be paid back in instalments over five years. Tasmania. Lands Department, *Certificate of Title*, vol. IX, fol. 31.
[13] *Walch's Almanac*, 1863, pp. 85, 151. Crowther had been instrumental in setting up volunteer forces after the withdrawal of British troops when Tasmania was granted autonomy.
[14] *Mercury,* 9 April 1858; *Hobart Town Gazette,* 2 November 1869, p. 1231.
[15] *Walch's Almanac*, 1869, p. 110.

> men, and the dearest possessions of defying nature have been forfeited as a holocaust to the supremacy of civilised industry.[16]

At Castle Forbes Bay, the stop before Gertrude Kenny's destination, the man whose British courage had faced defying nature was William Crowther. His steam mill contained machinery of 'the most superior modern description … perhaps the most perfectly adapted to the sawing of timber of any similar establishment in the Australian colonies'. In full operation it produced over 12 000 metres a week, enough to create a two-plank pathway to Gertrude's new home six kilometres upriver, or a single-plank pathway to Huonville where George Kenney was beholden to William Crowther for a block of land.[17]

The settlement the newlyweds were heading for had been founded by Lady Jane Franklin in the late 1838. Influenced by Utopian ideals, she hand-picked families to create a small agricultural settlement. They were each allocated 100 acres on a hire-purchase arrangement repayable over seven years.[18] But the area had changed in the twenty-six years between Lady Franklin's departure and Gertrude Kenny's arrival. The original connection had not been forgotten; the small township was named Franklin after confirmation of Sir John's death in the Arctic came through in 1859. But by this time the sawyers and loggers employed by entrepreneurs like Crowther had outnumbered the agriculturists. The church built for the original community had now become ' a disgrace to the district'.[19] A photograph of 1875 shows a smattering of buildings on the water's edge against a backdrop marked by the skeletal remains of ring-barked trees.[20]

As the forests were felled, land was subdivided and small farmers began to move in. By the time Gertrude Kenny came to the Huon, William Crowther had moved his milling

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[16] *Mercury*, 9 April 1858.
[17] William Crowther travelled to the district with the Vice-Regal entourage in 1855. The captain and medical officer stayed at his 'residence' in Castle Forbes Bay. *HTC*, 11 June 1855.
[18] James Puustinen, *Franklin Heritage Study*, Huon Valley Council, 2003, p. 6; John Mulvaney, *'The Axe had Never Sounded': place, people and heritage of Recherche Bay, Tasmania*. Canberra, ANU Press, 2007, p.183; *Some Private Correspondence of Sir John and Lady Jane Franklin*, ed. George Mackaness, Australian Historical Monographs, vol. 18, pp. 38-9, 71-76, 1947; Richie Woolley and Wayne Smith, *A History of the Huon & far south; before the orchards grew,* vol. 1, Huonville: Huon Valley Council, 2004, p. 75.
[19] *Mercury,* 29 April 1859.
[20] Baily Album: Tasmanian souvenir, p. 17, SLT Tasmaniana,

concern to Oyster Cove where it was managed by his third son, Henry.[21] The masculine culture remained. Olive Calvert, herself descended from a family that had settled here in this period, wrote of the heavy burden that fell on women. She asked readers to try to imagine what it had been like for them to leave 'settled districts or maybe the town of Hobart to accompany the pioneer to his forest home'.[22] After ten years of service Gertrude Kenny might well have embarked on this journey with a sense of adventure and new beginnings. She was no stranger to hard work, nor intimidated by the unknown. Her marriage to George Kenney changed her status in overlapping and sometimes conflicting ways. The man to whom Gertrude pledged submission, service, love and honour had, like her, arrived as an assisted migrant. On arrival she had been a general servant; he a shoemaker, but ten years had passed. Alice the servant had become Gertrude, or possibly even Miss Gordon, of Albert Terrace. She had now come from a household that would have been understood as being highly civilised and situated in an urban environment comparable to any large English town. She had spent ten years not only abiding by the values of an upper middle-class family but also reproducing them in the children in her care. Her status within the household may have been that of a servant, but outside its walls, although possibly tainted by the Lanne scandal, the status of that household elevated her own. By finding a husband she had escaped what many of her class considered the odium of service for the opportunity of becoming the mistress of her own household and gaining the mature status of a married woman. On the other hand, the lowly occupation of her husband, a shoe-maker, lost her a degree of status and in addition to her changed social position she now had to contend with the rough physical conditions of Olive Calvert's 'forest home'.

Something went badly wrong for Gertrude in her new role. 'Mrs Kenny', William Crowther later wrote, 'married from our house, and within a few weeks afterwards returned'.[23] It was Christmas Eve and high summer when Gertrude turned up at Albert Terrace. The weather was uncomfortably warm; so hot, in fact, that the butchers of Hobart town were forced to withhold their usual festive displays until the last minute.[24] But the heat of the Southern Hemisphere did nothing to dampen the determined

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[21] http://www.huonvalley.net.au/foundfathers.htm (accessed March 31, 2009) drawn from the *Cyclopaedia of Tasmania* (1900).
[22] Olive M. Calvert, 'The Pioneering Days: women played a noble part – a tribute to them all', quoted in *Huon and Derwent Times: Huon Centenary Supplement*, December 1986.
[23] *Kenny v. Huston*, pp. 11, 19
[24] *Tasmanian Times*, 24 December 1869. George Eady, who would later guarantee Alice Gertrude's bail, was one of these butchers.

celebration of Christmas in colonial Tasmania. The December edition of *Tasmanian Punch*, while evoking the seasonal pleasures of the flesh available to gentlemen of means, asked its readers to be charitable. And as Crowther himself had told his audience at the Alliance Rooms just after Gertrude Kenny's wedding:

> Attention to, and sympathy with, the mental distresses of the poor can never detract from the status of a professional man, but, on the contrary, if he be only possessed of true philanthropy, prove an unbounded source of pleasure and gratification, there being "a luxury in doing good".[25]

Gertrude Kenny's selection of Christmas Eve to request asylum may have been both an emotional and a strategic choice. For ten years she had participated in the celebrations of Christmas with the Crowther children. She had watched them grow up over time. Albert Terrace was the only home Gertrude had in the colony. Her current position was a precarious one. As a woman who had left her husband, she teetered on the brink of losing her social respectability. Arriving on the doorstep of Albert Terrace that day would have allowed her to enter into the Christmas narrative of Mary seeking shelter, thereby pre-empting codings of dangerous harlot and asserting that of deserving (virginal) Christian. This narrative also allowed William Crowther to later represent Gertrude Kenny as a virtuous and religious woman; one who had been worthy of raising his children.

What happened? There is no record of divorce or annulment and Gertrude continued to go under the name Mrs Kenny until her death. In a statement made in 1879 the primary identification that she put forward was that she was a married woman. Divorce, before the Matrimonial Causes Act of 1857, could only be realised in Britain through an individual Act of Parliament. It was an expensive procedure primarily aimed at the protection of property and inheritance. Although some parliamentarians debating the Matrimonial Causes Bill argued for equality for men and women, the act that was passed incorporated the values of Parliamentary divorces in which a single act of adultery on the part of the wife was considered grounds but the husband was protected from divorce unless his adultery was repeated and 'aggravated'. Nine months after its

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[25] *Mercury*, 28 September 1869. Priti Joshi argues that philanthropy was crucial in defining the subjectivity of professional men; that they 'deployed "the poor" to fashion their own authority and stabilise their place in a charged social and political landscape'. Priti Joshi, 'Edwin Chadwick's self-fashioning: professionalism, and masculinity, and the Victorian poor', *Victorian Literature and Culture*, vol. 32, no. 2, 2004, pp. 353-370, p. 358.

introduction the Secretary of State for the Colonies forwarded the Act to colonial governors and proposed its introduction through the local parliaments. The process was given extensive coverage in the *Mercury* and the Colonial Parliament debated a local Bill, passing an Act on the second attempt in 1860. This was still very new legislation when George and Gertrude went their separate ways.[26]

While marriage may have been important as a religious commitment, its secular legal aspects, related as they were to property and inheritance, had less meaning for the working classes. Studies of nineteenth-century marriage both in Australia and in North America indicate a fluidity in conceptions of marriage as well as deliberate deception made possible because of the particular geospatial factors governing frontier societies.[27] Among convicts, an estimated third of marriages are believed to have been bigamous; though possibly through a misunderstanding that transportation was tantamount to death in terms of a forced parting, and viewed similarly to the presumption of death which allowed people to remarry without committing a felony if their original spouses had not been heard of for seven years.[28] George Kenney's interpretation was rather looser. He described himself as a widower when he bigamously married Agnes Willis at Franklin in October 1878.[29] Gertrude was very much alive, certainly not on the other side of the world, and it is unthinkable that George would have been unaware of her movements. Pogue, for one, lived in Franklin and retained a close relationship with William Crowther.

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[26]Henry Finlay, *To Have but Not to Hold: a history of attitudes to marriage and divorce and Australia 1858 to 1975.* Leichardt, NSW: The Federation Press, 2005, pp. 15, 36-50, 57-59 *passim*. *Mercury,* 10 September 1860. It is clear from subsequent correspondence between the Secretary of State for the Colonies and British Possessions that the home government saw marriage legislation as an Imperial issue. In this decade of increased independence from (and revolt against) the mother country, the correspondence treads a diplomatic line between imperial rule and support of independent decision-making.

[27] See Finlay, pp. 25-34; Beverley Schwartzberg, '"Lots of Them Did That": desertion, bigamy, and marital fluidity in late nineteenth century America', *Journal of Social History*, vol. 37, no. 3, 2004, pp. 573-600.

[28] Based on a sample of convict marriages in Van Diemens Land between 1834 and 1850 collected by George Rudé, '"Captain Swing" and Van Diemens Land', *Tasmanian Historical Research Association Papers and Proceedings*, no. 12, 1963, p. 17.

[29] George Kenney also described himself as a widower when he married Gertrude. Kenney (32) had married Sarah Sarson (40) at Franklin on September 17, 1861 (AOT RGD, Franklin District, 10/457/37). In this case Sarah Sarson really had died, and in 1867, *before* George's marriage to Gertrude. The marriage (24 October 1878) between George Kenney (49) and Agnes Willis (41) was officiated by J M Bayley, Congregational minister at the bridegroom's residence in Franklin. Witnesses were George Raymond and Thomas Comstock (AOT, RGD, Franklin District, 37/138/1878). Agnes had also been married before (AOT RGD 37/18/1858).

Whatever went wrong for Gertrude Kenny, I believe it happened very soon after her wedding day. The mortgage between William Crowther and George Kenney was rescinded on 11th November 1869, long before the agreement was due to expire, and less than seven weeks into the marriage – surely a punitive measure.[30] Gertrude Kenny was not one to be afraid of litigation, nor her chosen protector, William Crowther, unwilling to encourage it, and yet no litigation ever took place. Was it that adultery, unless 'aggravated' by physical violence, was insufficient grounds for a woman to sue for divorce? And that by the time George committed bigamy, she was more concerned with the status and respectability she had achieved, than wanting retribution for a marriage that must have increasingly felt beneath her? Her determined spelling of Kenny without the 'e' may have been a small but determined way of distancing herself from her husband.

As a married woman Gertrude was not financially independent; anything she had owned or earned belonged to George.[31] She would need to work and she would need to earn her wages from someone her husband was unlikely to challenge. Quite apart from the economic position she was in, her departure from Franklin and her husband was likely to provoke gossip and blemish her character. In returning to the Crowthers she was not only coming back to the only home she knew in the colonies, but also tacitly gaining approval for her action and pre-empting any rumours that she had been in the wrong.

How was she accommodated back in this household? Victoire Crowther had already employed a new children's nurse. And Alice Gordon was now Mrs Kenny, a woman of quite different status from the woman who had left. Did she do all the sewing? Gertrude's references indicate that this was one of her strengths, and certainly in a household the size of the Crowthers' and with the complexity of Victorian clothing, this was a considerable undertaking; often one that occupied nannies who stayed on in households after the children had grown up. However well she might have managed to

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[30] *Certificate of Title*, vol. IX, fol. 31. Furthermore, Crowther, the over-arching protector of Gertrude, still owned the large block of land abutting George's small off-cut; their shared geographical boundaries remained. Crowther 's presence would have been palpable until he sold the block in July 1878, shortly before George married Agnes. By this time George and Agnes had already produced three children. Few survived to adulthood: Female b. 23 January 1871 (no death recorded), Clara Agnes, b. 30 June 1874, d. 11 May 1877, Florence , b. 4 December 1876, Isabella Elsie b. 23 March 1880, d. 20 August 1880), Laura (no birth recorded) d. 27 February 1885, aged 0. AOT Pioneer database.

[31] 'The Property of Married Women', *Westminster Review,* 1 October 1856, pp. 331-360; *Mercury*, 10 September 1860.

make herself useful at Albert Terrace, her long-term position was in jeopardy. Her thickening waist would soon make clear to all who saw it that Gertrude Kenny was expecting a baby. Perhaps she already suspected this when she turned up on the Crowther doorstep, allowing for an even greater identification with the Christmas story.

As Alice Gordon, she had arrived at Albert Terrace in 1859 when Victoire was herself in the final months of her last pregnancy. Alice Gordon had been at hand to take on the youngest of the Crowthers after Victoire, with the aid of her accoucheur husband, had delivered the baby; and she had raised Selina Pritzlar Crowther, who was now in her eleventh year.[32] Now in 1870, as Gertrude Kenny , she too was nearing confinement. On 18th August she gave birth to a son, attended, most probably, by Dr Crowther, acting the part of 'counsellor and friend' as well as accoucheur.[33] He was baptised 'William Gordon' on 14th September at St David's by Reverend G J Gellibrand, Crowther's friend and supporter, and the moral guide for the *Constance* immigrants.[34]

[32] Selina Pritzlar, b. 12 October 12 1859. AOT RGD33/1/3142/1860.
[33] AOT RGD, Hobart District, 1870/100. William was born just five months before the birth of George Kenney's next child with Agnes.
[34] Baptised at St David's by G J Gellibrand on 14 September 1870. Parents George and Alice Gertrude Kenny of Collins St AOT NS282/8/5/266, p. 166

CHAPTER NINE

'SCARCELY AN EQUAL CHANCE'[1]

The address given for the birth of William Gordon Kenny, 'shoemaker's child', was not Albert Terrace but Collins Street, the road that marked the back of the Crowther grounds. The upper end of Collins Street was made up of cottages and light industries, and punctuated with the rear-ends of gentlemen's houses: tradesman's entrances, servants' quarters, and other outbuildings. The child was born not so far from the biblical stable that had been signalled by Gertrude Kenny's return on Christmas Eve. Crowther later recalled that Gertrude had lived 'under his roof' until 'the end of the last week in August', nine days after William's birth. At this point, Crowther indicated, 'circumstances rendered it necessary for her to leave'. The Crowthers had done what few other employers would have been prepared to do – given asylum to a servant until the birth of her child, but now she and the baby were on their own.[2]

Although there was a marked difference in the way government agencies and charities treated a 'marriage disrupted'[3] mother like Gertrude Kenny, and a 'fallen', unmarried mother, she was ineligible for even the most meagre financial assistance. Bourgeois ideals of motherhood and female dependency were hastily withdrawn from application in the case of working-class women if the dependency threatened to transfer to the state.[4] Nor was the situation in which Gertrude Kenny found herself unusual: a woman

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[1] 'A nameless woman, dependent on her own hands' labour for her daily bread, has scarcely an even chance…', 'One of Four', *Words to Women: a plea to certain sufferers*, Hobart: George Rolwegan, 1858, p. 21.

[2] AOT SGD 13/1/9; *Kenny v. Huston*, pp. 11, 19.

[3] Patricia Kelleher uses this term for women who have been widowed, deserted, or who have had to leave marriages. Patricia Kelleher, 'Maternal Strategies: Irish women's headship in Gilded Age Chicago', *Journal of Women's History*, vol. 13, no. 2, 2001, pp. 80-106, p. 87.

[4] Anna Clark, researching concepts of 'breadwinner' through Poor Law legislation in England, reveals that the initial supposition of the Act, 'if a man could not support a family, he should not marry, and if a woman could not find a husband who earned enough, she must support herself and her children by earning wages,' gave way between the 1850s-'70s to increasing reformist argument about the primacy of the family and perniciousness of working mothers - aid being provided to respectable families whose male breadwinner was ill or unemployed, but not to single or widowed women, or women who were not 'respectable'. Widows were expected to find work and admit their children to the work-house. Anna Clark, 'The New Poor Law and the Breadwinner Wage: contrasting assumptions', *Journal of Social History,* vol. 34, no. 2, 2000, pp. 261-281, pp. 261-2, 268.

with a child, that is, and with no natural protector.[5] Female heads of household were common in censuses and valuation rolls, and these were only the visible indicator of a much larger number of women organising responsibility for their children without the support of a man.[6] There would always be, Hobart pamphleteer 'One in Four' wrote in 1858, women 'independent of a father, a brother, or husband'.[7]

Gertrude Kenny had examples of women as sole breadwinners around her. There had been Maria Tillard, who had worked her passage as a matron on the *Constance* in order to start a new life for herself and two daughters, and had then become matron of the Servants' Hostel. And Mrs Rishton, witness at Gertrude's wedding and matron of the Girls Industrial School, whose daughter lived with her and, when she was old enough, taught the younger inmates.[8] The difference here was that the children of these women were old enough either to go into service themselves or assist their mothers. Infants and small children posed a much greater problem, especially for live-in domestic service, which provided by far the most employment for women.[9] The kind of work that could be undertaken at home – sewing, for instance – was very poorly paid; taking in laundry was not much better and a considerable step down the social scale for someone like Gertrude Kenny. Most 'daily' jobs in domestic service were also low on the ladder: charwomen and laundresses, although some work might have been gleaned as a nursery governess, giving lessons in private homes. If Gertrude were going out to work

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[5] In the 1860s the annual reports of the Hobart Town Benevolent Society tracked the economic and social fallout of an exodus of men to the goldfields during the previous decade. They also complained of the 'roving unsettled habits of most of the labourers, and desertion of families'. It was deserted wives and their children who formed the bulk of applications for relief. T*HAJ*, Benevolent Society, Hobart Town: report for 1865, 1866/5; report for 1867, 1868/8.

[6] Kelleher gives examples of women using multiple strategies to maintain agency in their parenting, even over large distances: migrating with older children, leaving younger children behind with relatives or in the workhouse until they are old enough or she has the financial resources to pay for them to join her, temporarily placing them in orphanages. Kelleher, pp. 80-81, 92-93.

[7] 'It would seem to be almost forgotten that only a very limited sphere of employment is available to such; that their earnings are always precarious and never large; and that therefore women must always be more exposed to the assaults of poverty, and the temptations following in its train, than men can be. Many laws, too, operate against them. And so, whenever any sudden reverses or commercial crises spread a temporary distress among the masses of the people, women invariably suffer in far greater degree than men, and the unfortunate sisterhood receives a large accession of numbers. There is no reason why a woman should not make an excellent compositor, watchmaker, or accountant, as a milliner, a shop-girl, or quasi-governess. 'One in Four', p. 21.

[8] 2 November 1866; 7 June 1867. Girls' Industrial School (GIS). Records of Committee, Minute Books, UTA G3.

[9] In Kelleher's study the number of female heads of household increased with age. About half the women she sampled who were under 35 did not live with their children. Kelleher, p. 90.

she would need to rely on a friend, hire a nurse-girl (usually aged twelve to fourteen, and from a poor family or the Queen's Asylum), or find someone, perhaps the landlady or lodging house keeper of where she was living, to take the baby during the day. If she went into service she would have to farm the baby out, most commonly through casual networks for a weekly payment. For those who could not care for the child at all, the Queen's Asylum would take those who were voluntarily surrendered to the control of a government-appointed guardian. And older children could be sent to the Industrial School.[10] The option of infanticide was always present, though death resulting in simple neglect held less threat of punishment.[11]

Gertrude Kenny, though, was not without resources. Her incorporation into the household at Albert Terrace during her pregnancy, again being under the wing of a protector, was not only a haven for the moment, but contained a concomitant assurance; *we will see you right*. Crowther, when, as it appears, he terminated the mortgage contract with George Kenney, may also have exerted financial pressure on him to provide for Gertrude. Beyond Albert Terrace there is considerable evidence to suggest that she had built a network of friends, several of whom showed great loyalty during the later crisis of 1878-9. Mrs Eady, who ran the Highfield Hall Hotel and Convalescent Home, would help Gertrude Kenny with more than just a place to live, and Mrs Eady's husband (or son) George, butcher of Elizabeth Street, provided sureties for Gertrude. There was Edward Gifford, who also provided sureties, and whose link to Gertrude Kenny was probably his wife (or mother), Sarah, a charismatic owner of a draper's shop.[12] Lucy Grant, who would accompany Gertrude Kenny during one of her

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[10] *Queen's Asylum Act*, 25 Victoria, 5 (1861)**.** This act broadened the scope of the institution which had been an imperial orphan school, primarily not for orphans but the children of female convicts. See also Joan Brown, *"Poverty Is Not a Crime": the development of social services in Tasmania*, Hobart: Tasmanian Historical Research Association, 1972, pp. 126-7; and the *Industrial Schools Act*, 31 Victoria, 37 (1867).

[11] In recognition of the frequency of infanticide and the reluctance of many judges to pass a mandatory death sentence, the *Offences Against the Person Act*, 27 Victoria, 5 (1863), recognised the lesser crime of 'concealment of birth'.

[12] The acquaintance with Sarah Gifford is likely to have originated during Gertrude's employment as a parlourmaid and nursery governess when her duties consisted of a great deal of needlework. Sarah was transported after being discovered with parlours and bedrooms and attics full of luxury fabrics, silks, lace, velvets – all consignments that had never reached their destination –'lost' in transit between Paris and London. She set up a highly successful and legitimate business, supplying the gentry with similar wares at No. 1 Elizabeth Street. A portrait of Mrs Gifford, painted in 1858, shows good-humoured eyes and a mischievous, even roguish lift of the lips to this otherwise rather matronly woman with a heavy face. It was executed by the society painter, Robert Dowling, and its commission was a bold act of assertion for a woman who had been transported as a convict only fifteen years before; a woman whose fourteen-year

bleakest moments, was certainly more than an acquaintance in 1870. She had named one of her daughters Gertrude Alice in 1869. Lucy might well have been someone prepared to raise William Gordon with her own children.[13]

But the raising of William Gordon was one responsibility taken from her. On 18th September, only seven weeks after his birth, this winter child died of pulmonary congestion and convulsions.[14]

Around the time that Gertrude Kenny's baby was dying, Victoire Crowther was taken up with an encroaching crisis at the Girl's Industrial School. The incumbent matron was 'gentle', 'patient', and 'trustworthy'; but there was a 'want of order' in the School.[15] Victoire, as President, took on the responsibility of thanking the matron for her kindness and telling her that her services were no longer required. A year before, when they had sought a replacement for the highly competent Mrs Rishton, the ladies received two applications. One, Miss Hale, came highly recommended; but the other was chosen, as 'a married person as matron was desirable'. Miss Hale was offered, and accepted, the position of sub-matron. The awkward contradiction of status versus managerial ability may well have provoked her resignation in September which, in turn, exposed the weaknesses of the matron. The committee concurred that a matron must be procured 'capable of enforcing obedience and order in the school', although this was not spelt out in the advertisement they inserted in the *Mercury*: [16]

> A MATRON will be required in December for the Female Industrial School, Murray Street, Hobart Town. Salary £30 per annum. Also a trained SCHOOLMISTRESS for the same Institution. Salary £25 per annum. References to be forwarded before the 25th inst. To Mrs GEORGE SALIER, New Town Road.[17]

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sentence had only just expired. She advertised her wares in these pre-advertising days with a combination of adventurous tantalisation and sensual promise. She was always about to open, or just had opened a box off a ship that had arrived in port: soft quilted satin slippers, wreaths and flowers of silver and gold, velvet bonnets, kid gloves direct from Allemonde & Co, Paris. Trial 22 August 1842, Old Bailey Record: t18420822-2525 http://www.oldbaileyonline.org accessed 2 November 2009; Portrait by William Dowling in AOT Allport Library, ADRI AUTAS001124067141; advertisement in *Colonial Times*, 7 October, 1856.

[13] Lucy Grant was living in Campbell Town in 1870. AOT Pioneer database.

[14] Died Elizabeth Street. AOT RGD Hobart District, 1870/100.

[15] 3 June 1870; 5 August 1870; 2 September 1870; 7 October 1870. UTA GIS.

[16] Ibid. 6 August 1869; 2 September 1870.

[17] *Mercury,* 11 October 1870.

At the meeting held on 31st October, the ladies discussed who of the applicants was best suited to these two posts. The choice of matron 'fell on' Mrs Kenny.[18] Not only did she exhibit the 'staid habits, high moral character and ways of order and regularity' that had commended her to the Crowthers, she was also, unlike poor Miss Hale (who had left after a frustrating year of working for someone less able than she), married (but husbandless) and maternal (but childless).[19] Three weeks after the death of her son, Gertrude Kenny had secured a highly challenging position and one that, unlike domestic service, could be seen as an advancement towards a public career. The choice 'falling' on Mrs Kenny suggests the nepotistic influence of Victoire Crowther with the other ladies murmuring blind consent; but this would be to ignore both the strength of character of Victoire's fellow members, as well as the undoubted abilities of Gertrude, and the long association she is likely to have already had with the institution.

The Girls' Industrial School, or the Hobart Town Female Refuge as it was named at its inception in early 1862, was one of many responses to the devolution of imperial power and responsibility. And while it was a response to very particular local circumstances, it drew on ideas and structures for dealing with child destitution and juvenile delinquency that had entered legislation in Britain as a result of the cessation of transportation to Tasmania and other colonies.[20] In the absence of a convenient offshore depository for the most problematic of its population, Hobart's *Courier* reported in 1854 that British legislators were heeding petitions asking that criminality be nipped 'in the bud', that 'polluting springs of evil' be 'shut up', and that 'the bulk of street-walking children' should be rescued 'from the contagion and bad example of associations'.[21] The scheme adopted in Britain had been devised by the reformer Mary Carpenter, who imagined two kinds of institution in her 1851 treatise: one was the Reformatory, intended for the dangerous classes (that is children under 16 who had committed a crime and who would otherwise be sent to an adult prison); the other the Industrial School, intended for the perishing classes, children under fourteen, whose current environment and way of life was judged to *predispose* them to crime and immorality.[22]

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[18] 31 October 1870; 2 December 1870. UTA GIS.
[19] Kenny v. Huston, p. 19.
[20] Reformatories 1854, Industrial Schools 1857, consolidating legislation, 1861. Derek Phillips, 'The Care and Education of Hobart's Poor in the Mid-Nineteenth Century', *Papers & Proceedings of the Tasmanian Historical Research Association*, vol. 30, 1983, pp. 101-111, pp. 104, 110.
[21] Lord Palmerston. *HTC,* 31 May 1854.
[22] *Reformatory Schools for the Children of the Perishing and Dangerous Classes, and for Juvenile Offenders* (1851), cited by Janice Schroeder, 'Self-Teaching: Mary Carpenter, public speech, and

It was all too clear that the dangerous and perishing classes were over-represented in Tasmania, and that the devolution of imperial authority, however much desired, left the colony with a heavy social and economic burden. It did not take long for Mary Carpenter's ideas to permeate colonial consciousness. In March 1858, a few weeks before Gertrude Kenny's arrival in the colony, the *Mercury* drew attention to a City Missioners' report of 'wandering and discarded' children in Hobart. This was picked up by an editorial in the *Courier* which noted that these 'City Arabs' often had 'either no parents or such parents as are much worse than none'. They skulked in the streets during the day and slept in 'pigsties, unfinished houses and boilers' at night. Frequently they were picked up for pilfering and appeared before Police Magistrates like William Tarleton who were reluctant to sentence them to adult prisons. The *Courier* proposed that the British system be introduced in the colony.[23]

The ladies behind the establishment of the Female Refuge may have been more influenced by individualistic intervention than broad social change; their response informed by a notion that only they, in contrast to poor parents, could provide the kind of moral leadership necessary to guide the children into responsible citizenship. As 'One in Four' put it:

> How great a blessing it would be for the children of the poor … for any child indeed, to have a wise and virtuous friend to whom they could bring their sorrows; or who, like an angelic visitant would follow them through all the trials and temptations of girlhood and womanhood, ever attendant with good counsel and the strength most needful for the hour. How many a girl might be saved from a sad and sickening life – or worse – if she had but some judicious friend to advise her.[24]

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the discipline of delinquency', *Victorian Literature and Culture*, vol. 36, 2008, pp. 149–161, p. 150.
Mary Carpenter appeared before the 1852 Parliamentary Committee on Criminal and Destitute Children. Pamela Horn, *The Victorian Child*, New York: New York University Press, 1997, p. 204.

[23] *Mercury,* 30 March 1858; *HTC*, 23 April 1858.

[24] 'One in Four', p. 22. Schroeder argues that Carpenter's position was also very much informed by her class: 'Carpenter's reformed child was one who resembled a very specific notion of what childhood should look and sound like; poor homes and neighbourhoods could provide none of the moral pedagogy which would not only make each child into a productive citizen but, more importantly, grant the child a self and a soul. The reformatory was thus imagined as a surrogate middle-class home and family for the outlaw child, who would come to experience the pressure of law not as a set of moral strictures (as in the poorly-managed, retributive penal institutions Carpenter routinely criticized) but as a *feeling* of love. This feeling of love would engender a *desire* to obey, the result of a kind discipline soon recognized and welcomed.' Schroeder, p. 156.

A petition organised by the Benevolent Society, although arguing for institutions for both boys and girls, honed in on the latter. They 'viewed with alarm the very many female children in Hobart Town who are neglected by their natural Guardians, and consequently are acquiring habits, resulting, in all likelihood to result in ruin to themselves and serious danger to the Community'.[25]

In the broader conception of reformatories and industrial schools, the former as a post-criminal corrective institution and the latter as a preventative one, juveniles were conceived as gendered only insomuch as separate institutions were envisaged. But it is clear from the concerns above, and the fact that the first institution by seven years was for girls, that it was the sexualisation of the female child that caused most anxiety.[26] The Benevolent Society noted that 'so many girls, apprenticed from the Queen's Asylum, maltreated and ruined and appealing to the Society for support of themselves and offspring, came under investigation'. Miss Thackeray commented on the fate of young girls released from workhouses in England: 'Do the good Lion and Unicorn come to protect these poor little Unas on their way through the sorrowful forest where wild beasts are prowling – hyaenas, wild cats, serpents and poisoned reptiles?'[27]

In 1858 'One in Four' had berated the privileged women of Hobart for closing their eyes to the fate of young girls and asked them to leave their 'ghetto-like existence', so that they could see the miseries of poverty and prostitution, and *do* something about the plight 'of their less fortunate sisters'.[28] And even now, with the formation of the Hobart Town Refuge Association, the constant reliance on euphemisms led to ongoing

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[25] 'Petition No. 1: Reformatories', T*HAJ* 1862/19.

[26] Louise Jackson has demonstrated the way that sexual knowledge in a girl changed her from being an innocent to a contaminant. The girl 'herself became a polluting element in society as she connived, seduced, lied and cheated. To Victorian doctors, the working-class girl was as much the source as the victim of physical/moral pollution' (Louise A Jackson, *Child Sexual Abuse in Victorian London*, London: Routledge, 2000. Jackson, p. 89). Loss of innocence was also represented as an inherent danger with the onset of puberty. This is reflected in the Tasmanian *Criminal Law Procedure Act* (1873) which makes a dramatic distinction in the penalties for the assault with intent to rape or carnal knowledge of a girl under ten and of a girl who is between ten and twelve – ten and four years imprisonment respectively.

[27] T*HAJ* 1866/5, p. 5; Miss Thackeray, p. 143; This is a reference to Herbert Spenser's *Faërie Queene* in which the lion is an allegory for the struggle of Moral Man to use his power well and resist temptation. Una is pure and innocent (like the lamb that accompanies her), and is endangered by the insinuating lust of the snake, and the hyaena that gorges on women's flesh (see Madeleine Pelner Cosman, 'Spenser's Ark of Animals: animal imagery in the *Faery Queen*'. *Studies in Englsih Literature, 1500-1900*, vol. 3, no. 1, 1963, pp. 85-107, *passim*). The Queen's Asylum for Destitute Children had been the Queen's Orphan School prior to the *Queen's Asylum Act*.

[28] 'One in Four', p. 11.

misunderstandings about what kind of girls were being targeted. In March 1864 the Committee sent a girl back to the Queen's Asylum 'as it was against the rules' to keep her at the Refuge 'in her present condition'.[29] In August, Mrs Crouch, who had established the Servants' Home and was on the General Committee of the Refuge, had broached the subject of whether a girl approaching confinement could be admitted and was firmly told that such an application would not be 'entertained'.[30] After this contretemps all admittances had to be vetted by the President, the secretary and at least one committee member. From here on in girls were either 'fit subjects' for admission, or 'not suitable', but the question of sexualised girls continued to cause rifts on the Committee.[31] In late 1865, Victoire Crowther, President of the Association since February 1863, tendered her resignation, writing:

> There is one subject I should much like to hear discussed, and which I well know is considered a very vexed question out of doors "who are the class of females that are to be admitted into the Reformatory?" for this is a point upon which we are still very much in the dark.[32]

This may or may not have been the reason for Victoire's resignation. She wrote 'I need not enter into my reasons for doing so as those ladies present at the Alliance rooms on the third of November can hardly wonder at the course I have with sincere regret felt myself obliged to adopt.' The committee sent her a letter asking her to recall her resignation, which she did.

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[29] 16, 18 March 1864, UTA GIS. Although the Queen's Asylum was refusing to take back girls whose apprenticeships had broken down for fear they would contaminate the other children (*HTC*, 23 April 1858). See Kim Pearce, 'The Queen's Orphan Asylum, New Town,' in *Hobart's History: the first two hundred years; papers and proceedings of the conference held by the Professional Historians Association of Tasmania*, eds. Ian Terry and Kathryn Evans, Hobart: Professional Historians Association of Tasmania, 1997, pp. 19-34; p. 32.

[30] 16 August 1864. UTA GIS. Ten years later there was still no place for a 'poor girl who has been betrayed into evil courses, but who is desirous of a better life' (*Church News,* July 1874, cited in Brown, p. 94). There had, for a short time, been the Van Diemens Land Asylum for the Protection of Destitute and Unfortunate Girls, opened in 1848 (Brown 94). One of its instigators, Harriet Salier, was now the Secretary of the Hobart Town Female Refuge Association.

[31] See for instance 2 February or 2 March 1865. UTA GIS. In August, nineteen ladies agreed to pay four months' lodging for one girl who was not 'fit' for the institution. 4 August 1865. UTA GIS.

[32] 1 December 1865. UTA GIS. It is possible that not only Mrs Crouch had raised the question of taking in sexually abused and/or pregnant girls, but also Mrs Salier. In 1863 when the issue was unresolved, the Benevolent Society organised pregnant girls who were destitute, and not profligate, to be boarded in one of six respectable homes for six weeks prior to their confinement, but there was nowhere for them to go afterwards. Brown, pp. 93-94, 121.

The figure of the adolescent girl was at the crux of the impossible dualities that pervaded discourses of Victorian womanhood. The term 'adolescent' was not in currency; its absence left the liminal, silent space of the transition between innocent girl child and adult woman highly problematical; a *tabula rasa* vulnerable to the inscriptions of others. The self-soiling body of infancy that had been brought under control suddenly betrayed its owner again with the onset of menstruation which would permanently exclude her from attaining the contained (male) body of autonomous adulthood. In the broader context of Victorian sanitary discourse in which the ideas of cleanliness or filth in cities and houses were transferred to populations and inscribed with moral dimensions, the adolescent girl was already endangered by the leakage of her body, and a potential polluter of others.[33]

There is also a strong class bias to these debates which in large part echoed the Immigration Report that so damned the women who arrived on the *Constance* and other female bounty ships. For the innocence and purity of bourgeois girlhood to be maintained (and with it the self-containment and control of bourgeois men), the 'endangered' and 'fallen' status is ascribed primarily to working-class girls and young women. Metaphorically, filth and immorality were linked in opposition to cleanliness and purity and while the ideal bourgeois girl was kept in child-like innocence until she married, the urban labouring child could be configured as contaminated by the filth of her environment from birth.[34] From adolescence on, it was incumbent particularly on

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[33] Grosz discusses the body as *tabula rasa* on p. 18. On menstruation she writes: 'For the girl, menstruation, associated as it is with blood, with injury and the wound, is a mess that does not dry invisibly, that leaks, uncontrollable, not asleep, in dreams, but whenever it occurs, indicates the beginning of an out-of-control status that she was led to believe ends with childhood. The idea of soiling oneself, of dirt, of the very dirt produced by the body itself, staining the subject, is a "normal" condition of infancy, but in the case of the maturing woman it is a mark or stain of her future status, the portion into future of a past that she thought she had left behind'(Grosz, p. 203). Jackson indicates the elision of urban sanitation, disease and morality intensified in the mid-Victorian period as the medical profession gained hegemony over social management policy (Jackson, p. 89). See also Alison Bashford who coins the term 'sanitary discourse', which, she says, 'functioned through the dichotomous concepts of "purity" and "pollution" in what political historian Charles Rosenberg has labeled "morally resonant polarities"'. Alison Bashford, *Purity and Pollution: gender, embodiment and Victorian medicine*, Basingstoke: Macmillan Press, 1998, p. xi

[34] Larry Wolff, examining William Acton's definition of the perfect (healthy) child in *The Functions and Disorders of the Reproductive Organs in Youth, in Adult Age and in Advanced Life,* 1856) as one whose body and mind were unaffected by 'sexual impressions' and whose 'reproductive organs remained in a quiescent state, argues that Acton *had* to pathologise the sexual child as precocious. This 'sexual precocity' could be incited by 'hereditary predisposition, bad companionship, or other evil influences' (Larry Wolff, '"The Boys are Pickpockets, and the Girl Is a Prostitute": gender and juvenile criminality in early Victorian England from *Oliver Twist* to *London Labour*', *New Literary History*, vol. 27, no. 2, 1996, pp. 227-249, p. 245, citing Acton).

working-class women to engage actively and continuously in a process of purification, of her body and her environment, in order to achieve respectability. Failure threatened not only to lead to her own moral disintegration but her contamination of others.[35]

As well as revealing a high level of unease about the sexualised bodies of girls, Victoire Crowther's remarks in her letter of resignation suggest an elision of Carpenter's categorisations of preventative and reformative institutions; categorisations that had been adopted in the petitions of the Benevolent Society and used in an enabling bill in 1862. A refuge in 1862, Victoire in 1865 refers to the school as a reformatory. For a while it was the Female Reformatory *and* Industrial School and in May 1868 the 'Female' was changed to 'Girls'. Mrs Davies in October that year recommended that a second *Industrial* School be opened to accommodate twenty girls. [36] Many saw the division between the categorisations as meaningless. The criminality of the 'perishing classes' was, they argued, innate; the only difference being between those who were caught and those who were not.[37] The categorisations that *mattered* were those that ensured the distinctions between the classes : the separation of the professional class and the perishing and criminal classes, achieved by a healthy buffer-zone of the respectable and aspiring working and lower middle classes.

Gertrude Kenny would have been well aware of these debates. At least three times since she had been in the colony she had fallen into a category that invited bourgeois scrutiny. As a single female immigrant her virtue had been guarded at the Immigration Hostel; the state in the form of Mr Loch being allotted in lieu of a natural protector. A plea had been sent out to the ladies of Hobart to become active 'friends', but some of the young women had nonetheless been discovered living in what the city missionaries termed 'depravity'. According to her first employers, Gertrude Kenny had then fallen into bad company, and been guided to the Servants' Home set up by Mrs Crouch to protect young women between posts from being lured into vice. And although now older and with a respectable position behind her, Gertrude Kenny's precarious situation

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'One in Four' strongly associated morality and hygiene: 'It is beyond my power and most certainly beyond my limits – to develop the action and reaction of cleanliness on vice and of uncleanliness on virtue, but I venture to predict that an analysis of the question, at some future day, will result in the conviction that, among the numerous assailants of the humble poor, dirt is not the least powerful.' 'One in Four', p. 23.

[35] Bashford, p. 37.

[36] 1 May; 10 October 1868. UTA GIS.

[37] See Phillips, p. 106. William Acton in *Prostitution* referred to 'half-fledged nurselings, who take to prostitution, as do their brothers of the same age to thieving and other evil courses'. Wolff, p. 231.

as a woman on her own with a baby, had set her painfully close in circumstances to the young women and girls who were 'not fit' to be admitted to the Industrial School.

Her first encounters with the institution, and its works, are likely to have occurred soon after its inception in 1862 when Victoire Crowther became one of the founding members, and more particularly when Victoire became President in early 1863 and the executive meetings were held at Albert Terrace. With members including the wives of the Governor and Chief Justice, this would have been an important social coup for the Crowthers. And I imagine that while the ladies discussed their business and drank tea from bone china in the drawing-room, the matron, having presented her report, might have drunk hers with someone like Gertrude. Some of the tasks Victoire undertook for the school are likely to have devolved on other members of the household. When the school moved from its first location in New Town to the unfurnished premises in Church Street, the ladies, and probably their servants, fossicked for old snuffers and saucepans, flat irons and iron pails and other necessary items. And when Mrs Crowther took on the procurement of stays, working petticoats and jackets, print frocks and flannel petticoats for the girls, who but the matron and Gertrude were most likely to have been involved in the measuring up and purchasing of these items? [38]

Albert Terrace, like the households of the other ladies, also benefitted from the labour of the girls, and lessened some of the work nursery governesses like Gertrude might have otherwise undertaken. In February 1863, the Crowthers received one dozen shirts and two white petticoats sewn by girls at the School. In June they received two chemises and one dozen shirts; in August two chemises and one pair of stockings; in October six chemises and 17 dozen items washed.[39] Laundering was not only of great value to the ladies and excellent training for future servants, but physical removal of filth could usefully be construed as a process of metaphoric redemption and purification for girls and women. It had become synonymous with places of female incarceration, whether they were prisons, reformatories, rescue homes or industrial schools.

[38] 3 April 1863; 7 January 1864; 6 September 1868. UTA GIS.

[39] 3 April , 5 June, 21 August, 2 October 1863. UTA GIS. Already by October 1862, only four months after the institution had opened, the handful of girls who were the first to be admitted, had made 106 pinafores and 25 boys shirts for the Queen's Asylum; 18 towels for Mrs Gore Browne; one cassock for Mrs Cox (presumably for her husband, Reverend Cox); and five frocks and aprons for themselves.

Gertrude Kenny's appointment as Matron to the Girls' Industrial School marked her own advance in status, a consolidation of the respectability she had nurtured through her attachment to the Crowthers. She had now dramatically extended her reach as an agent of bourgeois values: reforming wild and neglected girls, instilling in them regular habits and godliness, and training them to be good servants. Sixty-nine girls, aged between six and sixteen on admission, would pass through her care during the seven years she ran the School. Each had her own biography. There is no room to explore it here, but 'girls', collectively is inadequate and I have no wish to reduce them to a footnote. They were Elizabeth Jane Adams, 13; Anne Appleby, 13; Ada Bond, 6; Mary Bradley, 9; Mary Ann Bull, 15; Frederika Carpenter, 10; Mary Ann Chapman, 11; Mary Anne Cootes, 10; Isabella Cowie, 11; Sara Cox, 15; Ellen Dagnia, 11; Charlotte Dobson, 11; Elizabeth and Johanna Douglas, 11 and 8 respectively; Ellen Driver, 11; Emily Edge, 10; Mary Ann Farrell, 10; Caroline and Mary Franklin, 14 and 9 respectively; Elizabeth Gibbons, 12; Ellen Gilbert, 11; Elizabeth Gibbons or Givans, 13; Rosanna Goody or Sloane, 11; Mary Gordon, 9; Lucy Hammersley, 12; Mary Ann Harris, 9; Elizabeth Higgins, 11; Jane Hill, 14, Ellen Jackson, age unknown; Elizabeth and Mary Ann Jones, 11 and 9 respectively; Mary Jones, 12; Sarah Jones, age unknown; Ellen King or Lowrie, 12; Ellen Leppard, 9; Hannah and Lavinia Lowrie, 12 and 8 respectively; Mary Jane and Sarah Anne Lyons, 8 and 7; Isabella MacArthur, 10; Mary Anne McCormack, 16; Mary Mason, 13; Adeline and Clara Matthews, 11 and 9 respectively; Mary Ann Merritt, 11; Rachel and Harriet Musselwhite, 12 and unknown respectively; Emma Oliver, 12; Annie and Hester (Hetty) Pater, both 10; Ellen and Margaret Patterson, 9 and 10 respectively; Jane Pilsbury, 12; Emma Podmore, 13; Mary Poulter, 10; Emma Jane Randall, 12; Clara Ransley, 10; Julia Richardson, 8; Elizabeth, Margaret and Susan Ringrose, 12, 9 and 7 respectively; Eliza Sanderson, 10; Alice Smith, 12; Catherine, Elizabeth, Mary Ann and Sarah Ann Smith, 12, 6, 7 and 9; Mary Ann Spencer, 11; Mary Ann Stafford, 9; Jane Taylor, 11; Jessie Taylor, 12; Alice Christine Vince, 13; Christine Walker, 11; Catherine and Elizabeth Watson, 9 and 8; Anne or Jemima Webster, 12; Sarah Weller, 10; Margaret Williams, 10; Rachel Williams, 12; and Ellen Wilson, 13.[40]

Under the *Industrial Schools Act* (1867), any girl under fourteen could be committed by two justices if she was found wandering, without a fixed abode, without 'proper' guardianship, or means of support; if she was destitute or an orphan or if, for reasons of drunkenness or prolonged absence, her father was unable to support her. She could be

[40] Register, UTA GIS.

committed if she had been found begging or receiving alms – whether or not under the pretext of hawking. She could be committed if one or both parents were undergoing penal servitude or imprisonment (over fifty of these girls had one or two parents who had come to the colony as convicts [41]), or if they frequented 'the company of thieves'. A child under twelve who had committed an offence but not charged with a felony could also be committed, as could girls under fourteen whose parents represented them to the justices as unmanageable. Girls committed under the Act were financed by the state if their parents were unable to support them. The Act, creating as it did quasi-governmental institutions, represented changes both in emphasis and size of the school, to the extent that a second one was mooted. When the School's founder and patroness, Harriet Gore-Browne, departed at the end of 1868, she regretted leaving the committee 'in the heat and the brunt of the battle'.[42] And it is likely that the increased size and change of focus were the reasons Mrs Rishton resigned in 1869, just before the School was gazetted under the Act and a move to larger premises was taking place.[43] It also appears that in 1874, although the Ladies' Committee tried to resist the proposal, Mr Mather succeeded in getting the Industrial School to exchange some of its younger girls for older ones who had been sent from the Queen's Asylum to Cascades prison because they had 'misconducted themselves'. [44]

It is clear from the minutes that no sooner had Gertrude Kenny taken over from Mrs Graham at the end of 1870, than she began to assert the authority that had identified her to the ladies as 'capable of enforcing obedience in the school'. Her first move was to deny all but seventeen of the girls their annual boxing day picnic on the Domain because of their bad behaviour, and she ordered a small dark room to be built for punishment.[45] She asked that more needlework be given to the School so that the girls

[41] Figures calculated from the Register, UTA GIS.
[42] 18 December 1868. UTA GIS.
[43] Mrs Rishton had been the most favoured Matron. At Victoire Crowther's instigation, she was given a farewell tea and a gift of a photograph album containing portraits of the ladies (3 September 1869. UTA GIS). The move to larger premises had been mooted in May and was accomplished by August. Mrs Rishton tendered her resignation in June (7 May, 4 June, 6 August 1869. UTA GIS). Industrial School gazetted: *Hobart Town Gazette,* 2 November 1869, p. 1231.
[44] 5 April 1874. UTA GIS.
[45] 2 December, 1870; 6 January 1871. UTA GIS. They appear to have joined forces with the Campbell and Ware Street Schools. Two years later Gertrude Kenny decided not to take any of them to the Domain 'as it was so difficult to keep them away from their friends'. A more secluded spot was to be found (6 December 1872). The darkroom was ordered on 6 January 1871. As Foucault observed in his monograph *Discipline and Punish: the birth of the prison*,

were not idle, and meanwhile made the most of this time ensuring the girls' own wardrobes were in order; applying for calico to make undergarments, fabric for pinafores and tweed for winter frocks.[46]

Although she was answerable to the Ladies' Committee, and they were answerable in some degree to the Board of Governors, Gertrude was very much the person in charge of the daily running of the institution: the budgeting, the routine, and the maintenance.[47] Having observed the minutiae of household management of her places of service, and engaged in the labour required to maintain it, she was now in a position to put her experience into its administration. It was she who provided the moral guidance and the discipline; she who trained the girls for the kind of service she had now left behind her. Mornings and evenings she presided over prayers and Holy Scripture in the workroom.[48] At mealtimes she headed the table; each meal itself a

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London: Allen Lane, 1977), spectacular, physical punishment was replaced in the nineteenth century by disciplinary technologies based on the *regulation* of the body. The removal of privileges and solitary confinement were replacing physical punishment but this was much slower to be applied to children than adults. It is likely that Gertrude was subject to the same rules as those laid down in 1882 which said that a child who was disobedient was to be separated from the others and that corporal punishment was 'not to be administered except by the Matron' and then only in cases of serious misconduct. There was by this time much closer scrutiny into the treatment of children in institutional care. The extreme brutality that had been meted out behind the closed doors of the imperially run Queen's Asylum was exposed in 1859/60 when it was handed over to the Colonial Government. Girls had been so severely kicked and beaten with whips and slate frames by the matron they had to go to hospital where two had died. Another matron had used a girl's head as a pincushion until she went out of her mind and had to be admitted to the asylum (Enquiry into the Orphan School, *Mercury*, 14 December 1859; Pearce, pp. 30-31).There was also the possibility of external punishment under the *Industrial Schools Act*. A child who was found guilty of gross insubordination, or who ran away, could be punished with imprisonment in an adult prison.

[46] 6 January, 3 February, 14 May, 7 June 1871. UTA GIS.

[47] In 1867 the Governors were referred to as Guardians and included Reverend Davenport, T J Crouch, and R A Mather. After the *Industrial Schools Act* they were referred to as Governors. By 1879 Crouch had retired but Messrs Giblin W R Salier and Crosby had been added. While the girls were at the School they were in the custody of these men who had 'the powers and privileges of a father' over them.

[48] *Rules* (1882). UTA GIS. When the Female Refuge Association was first started there were several Catholics involved, including Dr Swarbreck Hall, who was a major crusader for children's welfare and one of the guardians. But in July and August 1862, just after the School opened, Mesdames Lavers, Hunter, O'Flaherty & Reichenbach and Messrs Hall, Hunter and the Catholic Clergy resigned 'because of rule 2' (1 July 1862). There is no record of what rule 2 was but it was again evoked in December 1863 when it had been broken 'at the instigation of the visiting Priest', and the Committee demanded that girls sentenced to the School be subjected to the rule 'or removed from the establishment' because 'the discipline of the Female Refuge and the authority of the Matron [was] disturbed (18 December 1863). The rule is likely to have been the compulsory attendance at prayers and Holy Scripture.

lesson in how to cook, how to lay a table, how to serve, how to behave.[49] Both in her own perception, and in terms of job description and higher salary, she was also clearly the senior member of a staff of two. While Mrs Kenny had her own bed and sitting room, Miss Browne (the teacher), was expected to sleep in a partitioned space in the girls' dormitory.[50]

Not even the location of the institution was stable. The building at Murray Street that the School occupied when Gertrude Kenny became matron at the end of 1870 was the fifth in seven years. One gets the sense of Gertrude really getting into her stride when in February 1873 they moved again, this time to the hospital building at the Barracks in Davey Street, vacated by the now departed imperial army. Along with Mrs Bromby, the Bishop's wife, and Mrs Salier, she went to assess what alterations would be needed and then, with the secretary, purchased 'a little more furniture' and orchestrated the move. The ladies, visiting the premises in March, approved the arrangements. In the years she occupied the Barracks, nearly five in all, Gertrude continued with improvements. In March 1873 she requested a new sink for the kitchen; a year later she applied for paper to put up in the sitting room. In August she asked for a door to be broken through at the end of the school-room. In February 1875 she asked that another room be built into the end of the veranda, though the ladies decided to use the mangling shed instead and in March reported that the inner portion of the mangling shed was now a bedroom for Miss Browne. In August 1877 Mrs Kenny asked for another room to be added to the end of the schoolroom. [51]

Nor was Gertrude just in charge of the building. In August 1873 Dr Agnew donated three guineas towards the purchase of a cow, which was to provide both milk for the

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[49] The idea of the Matron eating with the children had been introduced between the departure of Mrs Rishton and the arrival of Mrs Graham. Further civilising tools were then introduced with knives, forks and soup tureens. 6 August 1869; 3 June 1870. UTA GIS.

[50] 6 August 1869. UTA GIS. In February, Miss Brown asked whether she could have her partition moved to the window end of the room. When this was denied her, she asked for permission to sleep in Gertrude Kenny's room. The ladies acquiesced providing Miss Brown returned to the former arrangement if there were any sign of disorderliness. Meanwhile, bars were to be put on the window of the dormitory. 3 February 1871; 3 May 1875. UTA GIS.

[51] It had begun in June 1862 as the Hobart Town Female Refuge Association in an old school building out at New Town in Hobart's northern suburbs. It then moved to a house in upper Bathurst Street, occupied from July 15, 1864 until the end of 1865. It moved briefly to a building in Forest Road, and then to Church Street in June/July 1866 to provide room for six extra girls, before the move to Murray Street just after Mrs Rishton's departure in August 1869. The moves were variously imposed by lack of space (and growing numbers), leases running out, unsuitable buildings, high rent, and inaccessibility. At the meeting of 3 January 1873 a letter from the Hon members at F. Innes and Charles Meredith was read, offering the barracks hospital for 25 pounds a year. 7 March 1873; 5 May 1874; 6 August 1873. UTA GIS.

school and training for the girls, though it was certainly not without its problems. In December 1873 Gertrude reported that the cow was dry and an alternative had to be found. The school also had pigs, and presumably chickens, though none were mentioned in the minutes.[52]

The primary training of the girls was always towards service. Education – basic reading, writing and arithmetic – was provided if it could be fitted in, and primarily to children who were too young to be sent out. The Patroness, Harriet Gore-Browne, speaking at a Ragged School function in 1862, had called for a 'system of industrial tuition' whereby girls were to be 'instructed in various occupations suited to their capacity and fitted for their service in the afterlife'.[53] Book learning formed little part in this vision and had only been introduced in 1867 when Mrs Rishton suggested that her daughter who had just left school might teach the younger children 'for a short time in the day'.[54] Miss Browne, when she began, was told to spend a day at the Ragged School 'to obtain an insight in the manner in which the instruction is imparted ', suggesting that she had not yet had any experience of teaching.[55] That the work the girls were destined for was domestic service was taken for granted , but the thoroughness of their preparation for it – two or more years before they were sent out as apprentices – was an innovation. It not only meant that when they entered the ladies' households they were more useful, but that they were less likely to suffer some of the appalling abuses meted out to girls who were sent from the Queen's Asylum into apprenticeships without any training whatsoever.[56] Furthermore, the ladies screened prospective employers, retained a level

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[52] In August a churn was bought and milking utensils provided by Mrs Roberts. The following month Ebenezer Shoobridge donated a cow. In September 1876 the ladies noted that the two pigs had been killed and in October a cow, two pigs and a sewing machine had been purchased. 4 August, 3 September, 5 December 1876. UTA GIS.

[53] *Mercury,* 28 May 1862. The Ragged School movement aimed to bring a basic education to wayward children in poor urban areas. Mary Carpenter drew on her own experiences in the movement to evolve her ideas on industrial schools; the crucial difference being the removal of children from such environments.

[54] 7 June 1867. Victoire had already recognised the help Miss Rishton was in teaching the children to cook and had proposed she should be paid £1 per quarter on top of her rations (2 November 1866) . In 1868 the Board of Education was approached for copybooks, pens and pencils (2 October 1868); and a year later desks were ordered for the children. 6 August 1869. UTA GIS

[55] 31October 1870. UTA GIS.

[56] The Select Committee on Charitable Institutions(1860) had recommended that as a way of cutting costs all industrial training at the Orphan School should be abolished and children over twelve should be discharged into apprenticeships (Phillips, p. 105). There was no screening of people taking on apprentices from the Orphan School or protection once the children had left the institution. A girl who forgot to clean the boots of her master, a civil servant, received a kicking. She had also been horse-whipped, had a hot iron run down her arm, and her eyes

of supervision over girls when they entered apprenticeships, and took them back into the school if they seemed unready or became ill.

The laundry at the barracks hospital is still extant. It is a large dark barn of a place, icy cold in winter, and draws one into the drudgery and physical labour that heavy washing entailed: chopping wood for coppers, carting water, scrubbing, mangling, lifting, hanging and ironing. It evokes the endlessness of days these girls endured; when not doing the laundry, then sewing and housework. In the minute books the unspoken relentlessness of the work is punctuated by the boxing day picnics and the mid-year annual prize-giving and treats that followed examinations presided over by a vicar or the ladies. The way the girls conducted themselves was also a test of Gertrude Kenny's abilities as a matron. In June 1872, for instance, the treat included having tea with the ladies, who at their next meeting, described the girls as 'orderly, well-behaved and thoroughly enjoying themselves'. This was so successful that two years later the girls were provided with a 'bountiful tea' with special visitors Bishop Bromby and Reverends Bromby and Davenport. These treats, as well as a tea, included a visiting magic lantern show.[57]

Their exposure to men of the cloth and ladies of the committee was in sharp contrast to the isolation of the girls from anyone else – most particularly family and friends. Their attendance at state school was very much in the future and even church was rationed to once a month.[58] Prospective employers valued the idea of a servant whose only

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blackened. She told an inquiry she had not wet her bed on purpose (Enquiry into the Orphan School, January 1871, AOT CSD 7/48/963, cited in Pearce, p. 32). Another girl committed suicide by drowning. She had been constantly beaten, and was kept in a cellar, sleeping on old rags (Pearce p. 33). I have already referred to the pregnant girls who sought assistance from the Benevolent Society. The Royal Commission into Charitable Institutions(1871) exposed the total inadequacy of asylum apprentices. Phillips p. 108.

[57] In June 1872 the children were examined by Reverend Davenport in Scripture, spelling and arithmetic, who pronounced that the answers were 'very satisfactory'. Their writing and needlework was also 'very good'. In August 1873 it was Reverend Dean Cox; in July 1874, it was Gertrude Kenny's preferred vicar, Reverend H B Bromby, who expressed himself much pleased with the result of exams and gave special prizes for truthfulness. In June 1871 and 1872 they were treated to a magic lantern display by Mr Abbott. In Mr Russell showed his magic lantern slides in 1874 and Mr C. Walsh and Mr Woolley showed theirs. 12 June 1872; 13 August 1873; 15 July 1874; 15 July 1875. UTA GIS.

[58] Reverend Dean Cox had told the Committee four pews in the booths of St David's were available, and hoped the girls would attend the afternoon service. The ladies asked him to come to the school instead. 6 December 1872. UTA GIS.

sense of belonging was to the household.[59] For between two and six years the girls spent every day and night within the walls of the institution, with the exception of attendance at church, occasional walks with the matron, and perhaps three other outings a year.

But it would be wrong to conceive of the School as sealed off, however much Mrs Kenny and the ladies might have preferred it. The walls were permeated by the stories and associations of the girls being admitted and those going into service. Barely a fortnight went by without someone passing through. Take June to November 1874, for instance. In June Ellen Jackson was admitted, a vagrant child, perhaps – her age was unknown. Mary Ann Bull , fifteen already on admission in 1870 as an orphan with no fixed abode, and for whom a place had been sought immediately, had been returned to the home for a few days because she was ill – but she had received a good character. The sisters Ellen and Margaret Patterson, nine and ten, were committed. Alice Vince, who had been admitted in 1872, after the 'various tales' about herself had been discovered to be untrue, left to live with her grandmother; her mother had said she was quite beyond her control. Annie Appleby, who'd been admitted in 1871 because her father was under a three-year sentence for stealing a plate from a hotel and her mother ('a worthless, drunken woman') was in prison for six months, was now apprenticed at the school rather than going out, perhaps because of the continued associations she was likely to find 'outside'. The ladies were trying to find somewhere for Ellen Wilson who was at least nineteen. Her father had 'no home to take her to'. Although thirteen or more, she had been referred to as 'little Ellen Wilson' in 1868 when a younger girl had led her astray, absconding with her. This suggests Ellen may have had some intellectual disability which would explain her still being at the School. Ada Matthews had been returned to the home from service and would be again in May 1876, and again, from Goose Island the following year. Christina Walker was returned to her mother, and Mary Lyons was placed with Mrs Barclay at New Town; Anne Smith who had been admitted on application from Reverend Shoobridge the year before and then placed with his family after being trained up returned, like Mary Ann Bull, because she was ill

[59] Louisa Travers, who employed one of the industrial school girls, wrote of another servant who came in daily, that she was 'quite respectable, but it brings an element into the house I do not like'. 6 October 1871. Butler Family papers, UTA.

and, as they had with Mary Ann Bull, the ladies recorded that she had received an excellent character.[60]

Girls who were out of control, girls who were sick, girls whom no-one knew what to do with: these were the girls in Gertrude Kenny's care. Catherine Smith, the eldest of four sisters at the school, was repeatedly sent back to the school because of misconduct in service. Fear that her ' influence would have a bad effect on the other children' led the ladies to find her short periods of service with different mistresses in the immediate area, minimising her time at the school. Some, like little Ellen, stayed well beyond their commitment period. Jane Taylor had to be apprenticed to the school because she was 'unfit to go elsewhere'.[61] In 1872 Clara Ransley was admitted, a very bright ten-year old who was deaf and dumb, because there was nowhere else for her to go.[62] Gertrude Kenny's treatment of the sick, was according to Mrs Bromby, the Bishop's wife, 'sympathetic and kind'. She wrote that for several months, 'Mrs Kenny had given up her room' to Ann Smith, the girl who had been returned sick from the Shoobridges and had turned out to have consumption. When the girl died Gertrude was commended: 'The Committee cannot speak too highly of Mrs Kenny's cares and attention to the poor girl during her last illness.'[63]

It is clear that Gertrude formed particular attachments to one or two. Whereas she was sometimes obliged to have some girls apprenticed to the school because they were unfit to go elsewhere, there were others she *wanted* to keep with her . In November 1872 she applied to have Mary Ann Chapman apprenticed to the school, and the following February 'begged' to have Lucy Hammersley licensed her for six months. But before either of these applications, in June 1872, she had taken a much greater step. She applied to adopt the twelve-year-old Charlotte Gertrude Dobson , 'a little girl who

[60] 7 October 1870; 4 April 1870; 5 June 1874; 4 September 1874; 7 August 1874; 3 March 1875; 8 February 1868; 2 October 1874; 5 May 1876; 4 April 1873; 6 November 1874. UTA GIS.
[61] 6 September 1872; 2 October 1872; 19 December 1872; 3 January; 7 February; 7 March; 2 June 1873; 2 February 1874. UTA GIS.
[62] Captain Fenton applied to have her admitted because her parents were very poor. She was accepted for a one-year trial. GIS June 7, 1872. After nearly two years Mrs Kenny and Miss Brown said they felt they couldn't teach her anything beyond needlework. The government agreed to send her to the Deaf and Dumb Asylum in Sydney. 6 February, 5 April 1874. UTA GIS.
[63] Kenny v. Huston, p. 20; 4 June 1875. UTA GIS.

had been eighteen months in the school.' The secretary, Mrs Salier, noted in the minutes, 'Mrs Kenny to bring her up as her own child. Granted unanimously.' [64]

Mrs Roberts, Mrs Davies, Mrs Barnard, Mrs Miller, Mrs Lindsey, Mrs Officer, Mrs Ferguson Smith, Mrs Bromby, Mrs Crowther, Mr Barnard and Dean Bromby were all fulsome in their praise of Gertrude Kenny's work at the Girl's Industrial School. She was 'admirable', 'gave great satisfaction', was 'untiring', 'active, industrious and firm'. She was an 'excellent manager', 'managed the institution with great economy', 'with careful economical management of finances'. She ran the institution with 'efficiency, order and cleanliness' , 'perfect order and cleanliness',,'order, economy and kindness', order, industry and cheerfulness'. Both Commissioner Tarleton and Dr Swarbreck Hall thought it the best-run establishment in Hobart Town. Mrs Kenny was 'exceedingly kind to the children', 'very kind to the children, taking a thorough interest in their welfare'; 'she always had a kind word for them and evinced great interest in their welfare', has 'made the children happy and comfortable'. The 'girls in her care seemed contented and happy', happy and healthy', 'healthy and happy'. 'I am indebted to Mrs Kenny', wrote Bishop Bromby, ' for the admirable and self-denying way in which she has conducted the Girls Industrial School. She has combined firmness and extreme gentleness which has produced the truest kind of moral discipline.' [65]

The satisfaction of her employers was also reflected in her salary. Starting out in 1870 at £30, Gertrude received regular increases, reaching £55 in July 1877. But that year something went awry at the Girls' Industrial School. At the first two meetings of the year the minutes record discussions about changing the rules, without specifying what those rules might have been.[66] Victoire Crowther, who had resigned from the

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[64] 1 November 1872; 6 February 1873; 7 June 1872. UTA GIS. Charlotte Dobson was admitted on 2nd February 1871 for four years. Born July 15 1860 at Richmond, the fifth child in a family of seven. Her father, Edward Dobson, who died in 1865, had come to the colony as a convict on the *Westmoreland* and her mother had been born in the colony at Jerusalem. I have found no other links between Gertrude and Charlotte. Charlotte married Robert Charles Powling in 1882 and had two children, Lydia (1884) and Robert (1887). AOT Pioneer database.

[65] Testimonials printed in Kenny v. Huston, pp. 19-21.

[66] The earliest rules extant for the School are from 1882:

> The responsibilities of matron and teacher are that children are 'properly washed and dressed, beds clean and properly made.' They are 'to enforce, neatness, order and obedience'.
>
> The Matron 'shall say prayers and say Holy Scripture with the inmates every morning and evening in the workroom.
>
> Inmates to be instructed in reading, writing and arithmetic, needlework, laundry, cooking and general housekeeping.
>
> Matron to isolate disobedient or duty neglecting girls for as long as she sees fit.

committee in the month Gertrude was appointed Matron and remained off the committee until mid-1875, called a special meeting of the executive at Albert Terrace in May to alter the rules. But it appears that no resolution was reached, for in June two of the ladies went to see Mr Tarleton, Commissioner of Charities, to seek clarification about the Industrial Schools Act. [67]

The difficulty appears to have arisen from a complaint made by Miss Browne, the teacher. She had resigned in May.[68] Neither the reason for her resignation nor the nature of her complaint were recorded, but that they were linked seems inescapable. A replacement, Mrs Archer, was appointed to the position in June but declined to take it up. It was then filled temporarily by Miss Marshall in July and August until Miss Ash took up the position on two months' trial. Miss Ash only stayed a month. She had been unable, she said, 'to undertake her duties'. At this point a crisis meeting was called at Albert Terrace. Rules were drawn up for the teacher and matron and Mrs Bromby and Mrs Salier allocated the task of reading them to Mrs Kenny early the following week. In October when the executive met at Mrs Bromby's house, Bishopscourt, letters were read out from Mrs Barrett (from the Ladies' Committee), Miss Browne and Robert Mather, one of the governors; but, the secretary noted cryptically, 'the subject deferred for another month', although a letter was written to Miss Browne on behalf of the Committee. Perhaps in response to this, Victoire Crowther hosted another special meeting at Albert Terrace only days later. This time the ladies decided to 'send the papers and correspondence to Mrs Kenny for her perusal'. She was given six days to respond. They had decided, by a majority of one, not to 'dismiss Mrs Kenny but endeavour to reform her together with the abuses that had crept into the institution'.

Silence in sleeping rooms.
On Sundays inmates to attend Divine Service with the Matron.
Friends of girls who have received permission from a committee member can visit them once a month between 11 and 4 in the presence of the Matron.
No girl to go beyond the walls without Matron's instructions.'

[67] 4 May, 1 June, 1 September 1877. Victoire's resignation 'due to ill-health' 6 January 1871; her re-instatement 2 August 1876. UTA GIS.

[68] 4 May 1877. UTA GIS. There were two Miss Browns, sisters Harriet and Mary, both of whom worked at some point under Gertrude, Harriet for six years. It is impossible to work out who is who, although it was Harriet that Gertrude offered to share her room with. *Tasmanian Tribune*, 29 September 1879.

But in November Gertrude Kenny, Matron of the Girls Industrial School, was asked to resign.[69]

Given the glowing character references Gertrude received, all written *after* her dismissal, it is difficult to identify its cause. Although clearly prompted by a concern of Miss Browne's, Gertrude and Miss Browne and/or her sister appear to have worked together without any reported friction for over six years. The rules referred to throughout the opaque minutes are never identified, and I can detect no clarifications within the rules of 1882, which are the earliest to survive and are presumably set out to rectify any shortcomings. The Bishop was the only person to even hint at the difficulty; he wrote that he could 'hardly blame' Mrs Kenny for her decision to resign given 'the present differences between the guardians and the Ladies' Committee'.[70]

Looking closely at the character referees, there *is* a clear absence of guardians, but also members of the Ladies' Committee. The Secretary, Mrs Salier, whose minutes are so unforthcoming, is not there, nor Mrs Barrett; and both were stalwarts of the Girls' Industrial School over many decades. Their husbands were active in the Hobart Benevolent Society and, along with Mr Mather, one of the guardians, had been instrumental in the original petition to establish the institution. What these people had in common was that although of different denominations, they were all, unlike the Bishop, Low Church. [71] And there are strong indications that Gertrude had become High Anglican. Given William Crowther's reference to her religiosity, this is likely to have been a full-hearted commitment.

Soon after her appointment to the Girls' Industrial School, Gertrude Kenny had applied for permission to attend her own church.[72] This was not St David's, the Crowther's place of worship, the church where she had been married and where the services for her son's christening and funeral service had been held the year before, and the church at

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[69] 1 June-2 November 1877, *passim*. 6 October; 12 October; 2 November 1877. The ladies present at Victoire's special meeting were Mesdames Bromby, Salier (Sec), Barrett, Davenport, H Miller, Crosby, Crowther and Nutt UTA GIS.

[70] Kenny v. Huston, p. 20.

[71] Mather was a Quaker, Mrs Salier was a Congregationalist, Mrs Barrett was a Wesleyan. William N. Oats, 'Mather, Joseph Francis (1844 - 1925)', *ADB*, vol. 10, pp. 439-440; Peter Bolger, 'Salier, George (1813 - 1892)', *ADB*, vol. 6, pp. 80-81; (for Mrs Barrett): E R Pretyman, 'Burgess, William Henry (1847 - 1917)', *ADB*, vol. 3, 1969, pp. 299-300.

[72] 14 April 1871. UTA GIS.

which the girls' attendance was often discussed.[73] It was St John the Baptist in West Hobart. And what marked St John the Baptist was its incumbent, Henry Bodley Bromby, son of the Bishop, and a man who was so committed to the radical High Church movement that he was deemed its pioneer in the Colony, and an *agent provocateur*.[74] Gertrude's move to St John the Baptist indicates her own commitment to the concept of the effacement of self within the sanctity of the church as corporate and mediative body, in contradistinction to the Low Church focus on direct communication between the individual and God. In its most undiluted form, the expression of spirituality was through living the sanctity of the Church and to this end Bromby established a Community of St John the Baptist, the first Anglican Community in the Australian colonies.[75]

From small beginnings in the late 1840s, Anglican Communities by the 1870s had become an increasingly viable alternative in England for women who did not wish to marry and who wanted to dedicate themselves to socially useful work, a religious life and, in the sisterhoods, female companionship.[76] Bromby's community was mixed and made up of only five members, one of whom was his sister, Gertrude, who was also actively engaged in mission work in Hobart's poorer districts.[77] Although Gertrude

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[73] In 1873, Reverend Dean Cox had offered his pastoral care to the school, proposing secluded pews for the children to attend St David's, and regular visits. The Committee desired that Mrs Kenny accompany the children. Two months later the ladies drew back and suggested only one attendance a month at St David's. 7 March, 9 May 1873. UTA GIS.

[74] Also known as the Tractarian or Oxford Movement. See Stuart Blackler, 'Henry Bodley Bromby, 'Dean of Woeful Countenance', *Papers & Proceedings of the Tasmanian Historical Research Association*, vol. 49, no. 4, 2002, pp. 237-251. Blackler quotes Mace, H B Bromby's biographer: 'He had been looking forward to helping the Catholic movement in England with his Cambridge friends, rather than acting as a pioneer of that movement in a decidedly Low Church land' (p. 238). Blackler points out the oversimplification of calling Tasmania a Low Church land, but his objection lies primarily in it being an out-of-date perception, and that there were already strong factions when the Brombys arrived. But what was the case here was precisely the disestablishment of the Anglican Church and the diminution of its authority, and the much firmer footedness in the Colony of the Low Churches in state-related ventures.

[75] Blackler, p. 243.

[76] William Gladstone was instrumental in establishing the first one in London in 1848. See Martha Vicinus, *Independent Women: work and community for single women, 1850-1920*, London: Virago, 1985. Vicinus cites one woman who believed marriage 'was my path of duty and my mind was made up to *endure* it', until she heard John Henry (later Cardinal) Newman who opened up the possibility that the dutiful option could also be a single life. She broke off a long-term engagement and joined a sisterhood. Vicinus pp. 49, 51.

[77] Gertrude Bromby may well have received a formal liberal arts education. Her father, Bishop Bromby, had been behind the establishment in 1858 of Cheltenham Ladies' College, the first 'public' school for girls, under the headship of Dorothea Beale. Blackler, p. 237. Gertrude Bromby, with her sister and friends later established 'Standfast', a night school at Wapping in the Ragged School whose stone was being laid when Gertrude Kenny approached her first post in the colony in 1858. Wapping History Group, p. 106.

Kenny was not in the same class as Gertrude Bromby, and Anglican sisterhoods in England retained a class bias, with working-class women becoming lay sisters,[78] Gertrude Bromby later went on to found her own religious order in London, 'the first Anglican Sisterhood inspired by the spirit and the Rule of St Francis of Assisi', which would have included the idea of social equality.[79]

Gertrude Kenny's proximity to the Brombys, even though she was not a member of their Community or class, suggests that she found in their embrace a meaningful way of living her single life and the motivation to undertake hard work in difficult circumstances towards a perceived greater good.[80] Her commitment to the precepts of the High Church would have entered into her daily observances. The five members of the Community of St John the Baptist committed themselves to living their days structured around specific times for rising, religious prayer, work, eating, recreation and retiring. Particular observances were scheduled for different times of the day.[81] It seems likely that Gertrude Kenny may have both introduced an analogous structure at the Girls' Industrial School and, more significantly, ritualist High Anglican content, in breach of the non-Sectarian stipulations for government funded institutions. The question of religious instruction, as seen in the question of Catholic involvement in the School when it was first established in 1862, equalled in sensitivity that surrounding the 'fitness' or otherwise of girls to be admitted to the institution.[82] Such proselytising would have been regarded by Low Church members, in particular, as an abuse of the system. For Gertrude Kenny, the request for her to 'reform' would have been untenable. And the Bishop, for one, was not keen to see her stifled. In his character reference on her departure, he wrote that he would like to see Mrs Kenny in charge of an institution for older girls but would 'rejoice' to hear of her appointment to any post 'requiring faithfulness combined with power of influencing others'.[83]

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[78] Vicinus, p. 55.
[79] Gertrude Bromby's Order was the Society of the Incarnation of the Eternal Son. Blackler, p. 244; Vicinus, p. 77; *Mercury*, 11 May 1904.
[80] Bishop Bromby would continue to lend her moral support in 1879 and 1880. Another of his sons would legally represent her. Might there also be a coincidence between Alice Gordon's abandonment of her first name sometime between 1859 and 1869 and the presence in Hobart of Gertrude Bromby from 1864?
[81] Reproduced in Blackler, p. 243.
[82] After the hands-on involvement of the first two patronesses of the Girls Industrial School, Ladies Gore Browne and DuCane, the Catholic Mena Weld (arriving in early 1875) only appeared at prize-giving.
[83] Kenny v. Huston, p. 20.

CHAPTER TEN

NEW NORFOLK

In January 1878, only weeks after her forced resignation, Gertrude Kenny moved from the colony's capital some thirty miles upriver to New Norfolk, a place familiar to her because of its vicinity to Bushy Park where the Crowthers had spent their holidays with the Blyths. In the last twenty years Gertrude had occupied many spaces: among others a steerage bunk on the *Constance*; servants' quarters; a bed, perhaps behind a screen, in a nursery; a marital dwelling place in the bush; and a bedroom and sitting room in the Girls' Industrial School. Here, at New Norfolk, a four-roomed cottage and a servant awaited her.

It was high summer when Gertrude Kenny returned to New Norfolk in 1878. She may have come by train and coach but I like to think she loaded her trunk onto the steamer, *Monarch*, so that she, like the many day-trippers, could not only enjoy the landscape, but allow the coolness of water and breeze to give her temporary relief from the hot January weather.[1] She was headed for a considerable advancement in her career and a salary almost three times the one she had received at the Girls' Industrial School. It was a mark of a change of status, from the equivalent of a senior housekeeper to one of an officer in the public service. The £150 was an acknowledgement of the authority expected in her new position.[2] Gertrude Kenny had been appointed Matron of the New Norfolk Hospital for the Insane, commonly referred to as the 'Asylum'.

Like the gaols, the penal stations, the Orphan School and the Hospital, the Asylum was a capillary of the Imperial penal machine and had devolved only recently to the colony. The institution had begun as an invalid hospital fifty years before. Old, maimed, transported convicts, literally those who were configured 'invalids', with the stress on the middle vowel, measured against 'effectives' in a work-dependent penal system, were housed here in a military-type barracks. In 1832 a separate 'madhouse' was constructed on the site. These were bundled both nominally and physically as 'Imperial

[1] *Mercury*, 23 January 1878. The *Monarch* proprietors offered a day trip to New Norfolk in addition to their normal services.
[2] 'Statistics of Tasmania for 1878', T*HAJ,* 1/1879, p. 16.

lunatics'.[3] In the 1840s, during the campaign to end transportation to the colony, the Asylum had begun to attract attention as a symbol of imperial oppression, a Bastille.[4] There were no checks on what went on within its walls. The impetus behind the criticisms had stemmed less from concerns about the opacity of convict treatment at the Asylum, than from the treatment of colonial inmates. Like all the institutions built by the Imperial government, the Asylum was not intended for the use of those who had come free to the colony. But in the absence of a parallel local system, it was to this institution that members of the free population were sent if they were paupers or if their mental illness had become unmanageable at home.[5]

It was only in 1859, four years after devolution and the establishment of a Board, that the full horror of the institution was brought to light by the Catholic Bishop, the Right Reverend Robert William Willson, newly appointed as one of the Commissioners.[6] Willson had spent many years on the board of management of the Nottinghamshire County Asylum and had also run a private asylum in his house. His assessment of the institution of New Norfolk placed it beyond redemption:

> To expect that a fair proportion of cures should be affected in such a dismal place, fit only for a prison house for the worst class of felons, would be as unreasonable as to expect grapes on thorns. Gloomy prison yards, gloomy ill ventilated dark cells, (one division of which swarms with vermin, which, from the construction with planks of wood, cannot by any exertions be destroyed), no opportunity of classifying properly those unfortunate beings, the congenital idiot living in the daytime with the recently admitted patient; the noisy and offensive language with the silent, the delicate minded, and the tranquil; the drivelling imbecile with the scrupulously neat of habit and feeling; the violent

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[3] Miranda Morris, *Paupers, Invalids and Lunatics*, Port Arthur Occasional Paper, forthcoming 2010.

[4] An editorial in the *Mercury* referred to its Bastille-like nature (17 December 1844) and the *Colonial Times* three years later picked up on this revolutionary language entitling an editorial of its own 'The New Norfolk Bastille' (10 December 1847). It was a term that in England was being used as a call to arms against the punitive workhouses built under the new poor laws (Scull, Andrew, *The Most Solitary of Afflictions: madness and society in Britain, 1700-1900*, Yale University Press, New Haven, 2005, p. 332). A riot at the Asylum in 1844 could only be quelled by the intervention of the Chartist Zephaniah Williams, who as a political prisoner was employed as a convict constable. *Hobart Town Advertiser*, 25 April 1845; *Colonial Times*, 29 April 1845.

[5] The financial wrangling between colonial and imperial governments about who qualified for Imperial funding, and how much should be paid for those who didn't, continued until well into the 1890s and convict pauper lunatics, in particular, were shunted between asylums at Port Arthur, Saltwater River, New Norfolk and Cascades.

[6] *Act for the Regulation of the Care and Treatment of the Insane*, 22 Victoria, 23 (1859).

> and morose with the timid and retiring, – are some of the evils which exist at this moment at New Norfolk.[7]

He pleaded that a new hospital for the insane should be built closer to Hobart, and designed according to the latest principles of humane treatment. But his fellow commissioners, signatories of the majority report, had seen no need for such an outlay:

> It must be borne in mind that a large majority of patients heretofore confined in the Asylum have been of a convict class, the offspring of diseased parents, inheriting in very many cases a defective intellect, brought up from the earliest childhood in misery and vice, and leading in after years a life of sensual debauchery and crime, resulting in enfeeblement alike of body and mind – a more hopeless class of subjects it would be almost impossible to collect together in one Institution.[8]

Within Bishop Willson's criticisms lay the – by this time commonplace – assumption that, in contrast to the chaos of Bedlam, inmates, increasingly reconfigured as patients, should be categorised. At the New Norfolk Asylum, the initial determinant was that of inclusion and exclusion: imperial convicts were accepted and free colonials were not; invalids were accepted, effectives were not; - within the institution the only division was according to gender. As early as 1836, when the establishment was housing people with both mental and physical ailments, Dr Robert Officer, then Imperial Medical Officer for the district, was concerned that the crowdedness of the establishment meant that the inmates were mixed together 'without the least regard to the nature of their

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[7] Willson to Colonial Secretary, 8 March 1859, quoted in Gowlland, p. 53.

[8] Tasmania. Legislative Council, 'Report of the Joint Committee on the Accommodation and Site of the Hospital for the Insane, New Norfolk', LC*J*, 1859/32. Bishop Willson, apart from his twelve years on the board of the Nottinghamshire Asylum, was also an 'honorary member of a Voluntary Association, consisting of the Heads of Public Asylums in England, which met each year to investigate the best modes of improving the management of the Insane' (The Association of Medical Officers of Asylums and Hospitals for the Insane, founded 1841, see Scull, *The Most Solitary of Afflictions,* p. 232). Willson had visited the main institutions in France and Belgium, and also Austria and Italy (TLC*J*, 1859/32, p. 10). The Director of Public Works, William Rose Falconer, had knowledge of asylums in Glasgow, Québec and Toronto (ibid., p. 12). Mr Service, an officer in the Comptroller-General's Department, had been the foreman of the therapeutic carpenters shop at Hanwell Lunatic Asylum where Dr Connelly revolutionised the treatment of the insane (ibid., p. 16). Henry Hunter, the architect, produced a sketch of the county asylum at Carlisle, currently being erected on the 'modern improved system', and had also examined the plans of the Essex Asylum which had been featured in *The Builder* (ibid., p. 17). The image in *The Builder*, 16 May 1857, is reproduced in Scull, *The Most Solitary of Afflictions,* p. 283.

malady, or their varied constitution of mind'. Domestic comfort was, he wrote, 'a most necessary part in their treatment'.[9]

But the categorisation that most recently occupied the energies of those who had agitated against Imperial opacity was that of social class. Their concern had not been for all free settlers, but for those described as being from the 'upper ranks'. As Dr Officer put it: 'the richer classes of society should be provided for separately from those of a lower condition'.[10] Minimal outlay was expended on the structures housing the convicts and the poor; the first new building to be ratified by the colonial government was a 'gentlemen's cottage', with its own 'pleasure garden' (as opposed to the airing yards provided for the general patients). The intention, although imperfectly realised at this point, was that there would be separate catering for the gentlemen which would, according to William Rose Falconer, be 'more like that of a private family.' [11]

The concern for classification was focused initially quite clearly on the male division. Apart from the gentlemen's cottage there were three categories in 1859, classed by degrees of violence; to which was added, in 1871, a house for 'idiot boys'.[12] The priority given to this last category may have been a response to the sexual vulnerability of these boys, especially considering the profile given to male to male rape in the anti-transportation debate. On the female side, Falconer countered, there were only two classes, 'the outrageous Patients are in one part and all the rest in another, including Idiots, and those of different ranks of society'.[13] Although he does not mention them, to

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[9] Dr Officer to Colonial Surgeon Scott, 27 June 1836, in Gowlland, p. 26.
[10] TLC*J*, 1859/32, p. 18.
[11] TLC*J*, 1859/32, p. 12. This innovation appears more closely aligned with a French than an English model. In England the upper classes were housed in private establishments quite separate from the pauper asylums. (Scull, *The Most Solitary*..., 293, 356). In France entrepreneurial Asylum keepers created microcosms of the outside world, providing a 'petit château' for the bourgeoisie, and creating what was called a 'colony' of pauper lunatics who were put to 'therapeutic' work as servants and farm labourers. (Foucault, Michel, *Psychiatric Parlour: lectures at the College de France, 1973-74,* Basingstoke, Hants: Palgrave Macmillan, 2006, 126). Foucault argues that this was driven by a lucrative economic imperative, wherein asylum keepers were both paid by the rich for their accommodation and care, and by the state which paid for the paupers. In Tasmania, though, the provision of separate accommodation and care for the so-called upper ranks within the grounds of the public asylum was, I believe, a combination of a pragmatic response to a colony too small for a private institution, and the class sensibility of those making the decisions.
[12] TLC*J*, 1859/32, p. 12; TLC*J*, 'Hospital for the Insane, New Norfolk; appointment of Assistant Medical Officer', LC*J*, 1877/40, p. 1; Tasmania. House of Assembly, 'Hospital for the Insane, New Norfolk; report for 1877', THA*J*, 1878/6, p. 1.
[13] TLC*J*, 1859/32, p. 12.

these need to be added the infants and small children who came to the Asylum with their mothers, or were born after their mothers' admission.

Willson was no longer on the Board when Gertrude Kenny's appointment was decided by the Commissioners, but several of the men were known to her. William Tarleton was the Police Magistrate who had heard her case against Major Cotton in 1859; He had chaired (and adjourned) the inquiry into the mutilation of William Lanne; and as Commissioner of Charities he had commended Gertrude for the efficiency with which she had run the Industrial School. Commissioners Dr Butler (MHA and Speaker) and Dr Agnew (MLC) had both been on the Committee of the Servants' Home. Dr Butler was the man who had offered to take on Bingham Crowther as a pupil when his father had been ousted as Honorary Surgeon from the Hospital, but who had also refused to sign William Crowther's application for a Fellowship to the Royal College of Surgeons. Recently Butler had provided medical care to Truganini until her death. Agnew, who had competed with Dr Crowther over William Lanne's remains, was now in the process of trying to obtain those of Truganini. His wife had been involved with the Girls' Industrial School until her death in 1868, and Dr Agnew had become involved again during the period that Victoire Crowther was not President. It was he Gertrude had to thank for the cow donated to the institution. The current President of the Board of Commissioners was Dr, now Sir, Robert Officer, who lived at nearby *Hallgreen*, and who had by now been involved with the asylum for over thirty-five years. His wife, Jamima, from her position on the Ladies' Committee of the Industrial School, had supplied Gertrude with one of her character references. [14]

I try to imagine Gertrude's arrival at the New Norfolk Hospital for the Insane in January 1878; her entrance through the main gates and then, after passing the Surgeon-Superintendent's office, being admitted to the Female Division, her new domain, by the gatekeeper Margaret Yeoland, an elderly Irish woman with whom she would have several altercations in the months to come. Her first view would have been of a quadrangle: on her immediate left, the stores – a wing of the old stone barracks; at

[14] Kenny v. Huston, pp. 19-21. Several Commissioners lived locally: Alexander Riddoch, RM, MHA, on what had been the old government farm, now named *Turriff Lodge*; William H. Jamieson, Warden of New Norfolk and son-in-law of the Surgeon-Superintendent, Dr Huston, who lived at *Glen Leith*; Councillor Robert Cartwright Read, salmon breeder of *Redlands*, and Dr John Moore, also a Councillor. In addition there was Frederick Maitland Innes, MLC.

right angles to them the two-storey Female Hospital Ward; at right angles to the Hospital was the long low Refractory Ward, known unceremoniously as 'the cells'. Adjacent to the cells, but separated by its own gardens, was the recently completed Ladies' Cottage. To her immediate right was the outer wall of the Asylum, brick, surmounted by iron railings that allowed a view of the hills, but not a view of *Frescati*, the house of Dr George Huston, the Surgeon-Superintendent, that was set in its own landscaped seclusion just across the road. In a diagonal line from where Gertrude Kenny entered the Division, sandwiched in the angle between the hospital and the cells, was the Matron's Cottage, her new home.

But, although she may have obtained an impression of the general layout as she entered the Female Division, it is unlikely that it would have been the architecture that most drew her attention. Mrs Kenny's arrival was anticipated, she herself the object of curiosity. Over 120 patients, as well as a contingent of staff, would have been waiting to catch a first glimpse of the woman whose authority had the power to affect their daily lives. Apart from those confined in the cells or too frail to leave their beds, they would variously have pressed their faces against the windows, have pushed forward onto the rails of the verandas and spilled out onto the yard itself. And what Gertrude Kenny would have seen was an as yet indistinguishable group of women, dressed in something akin to prison garb. And even here, in the open air, the stench of unwashed clothing was compounded by soiled bedding laid out around the grounds to dry. It was here in this place and with these women that Gertrude's future lay.[15]

Nothing could have suppressed the emotionally charged atmosphere. Grief and fear underlay the lives of many of these women and for some there was no escape from it.[16]

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[15] Evidence of Martha Laland in Tasmania. Legislative Council, 'Hospital for the Insane, New Norfolk; report of the Select Committee', TLC*J*, 1883/12, p. 46.

[16] The words that both enable and mediate our imagining of these women are inscribed in the asylum case books. The process by which a woman was admitted included, for the most part, required certificates from two medical practitioners, or a court order (22 Victoria, No 23. *An Act for the Regulation of the Care and Treatment of the Insane*, Section 16). All citations in the following section, unless otherwise indicated, are from the case books. Admissions are chronological and continuity indicated by folio number. Each volume is indexed but the volume numbers are not consistent with the archival referencing: AOT Royal Derwent Hospital, HSD 246 (1841-1854); HSD 52/1/1 (1854-1858); HSD 52/1/2 (1863-1872); AB 365/1/1 (1872-1881). These descriptions of the person and their observed malady were transcribed when they first arrived, and then augmented by the Surgeon-Superintendent. They were seldom elaborated in any detail during the period of incarceration. 'As above' is often the only monthly entry over several years and the main interruptions to this pattern are of physical ailments. The greatest attention after the initial entry was paid at the end with the details of the post-mortem. This final attention was not only about accountability, but also a way of strengthening medical monopoly over the

Helen Hadfield had a wild and frightened expression. Charlotte Graham cried and fretted 'without reason'. Catherine Mulvaney laughed and cried 'without cause'. Ann Morrison 'constantly cried', and was frightened by imaginary people. Jane Campbell thought her children had been destroyed. Margaret McCarthy suffered 'unreasonable grief' for the death of her sister; blaming herself, dreading the arrival of constables to arrest her for neglect, and knowing 'that after death she would be punished by being put into a great fire'. Amelia Patterson believed she would be crucified. Mary Jane Thomas believed one person wanted to put her down a well, another to chop her head off, and a third to drown her. Margaret Lewis was sure her husband was putting poison in her food. Catherine Landrigan said the chaplain put rats in her tea. Ellen Jackson and Ann Mackay, too, believed their lives were threatened by those around them. Catherine Baker feared not only people, but also animals, were attempting to murder her, and Jane Tolmey predicted the world was coming to an end.

For several women the pain of living was too much. Mary Richards, who was subject to monotonous crying, was also suicidal. Mary Leary had tried to throw herself overboard during her voyage to the colony, and then later tried leaping from a hospital window. Mary Glover tried to starve herself to death in the bush and Mary Jane Yates told the medical officer on arrival that she would not eat because she did not wish to live. Mary Kennedy was admitted to the Asylum because she had cut her throat and Mary Hand cut hers with a shard of windowpane and a knife she had found near the laundry. Marion Taylor, who gave birth to seven children, none of whom appear to have survived infancy, pushed a pin into the pit of her stomach because she wished to die. Jane Foxton and Ann Crowley tried to drown themselves, as did Catherine Burns whose voices had told her she was going to be burned. Catherine Horan had to be watched day and night because of her suicidal tendencies. Margaret Frazer tried to poison herself and her child. Sarah Marshall wanted to kill herself because, although she had not left her house for two years, she had been unable to get out of her head the face of a man named Brown and she lived in dread that he was going to rape her.

Outbursts of rage and frustration erupted frequently but often unpredictably. Madge Towie cursed and swore at other patients. Sarah Parnham and Mary Brannin had violent tempers. Martha Stanley was very passionate and violent. Ann Curtain was 'violent,

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treatment of the insane (see, for instance, the ongoing post-mortem descriptions of the brains of the insane in *The Phrenological Journal and Magazine of Moral Science*).

obscene, and refractory to a degree'. Ellen Jackson was outrageously defiant at times, used strong language and was utterly unmanageable. Sarah Bailey was at times ungovernably violent. Mary Ann Earley was refractory and destructive. Her daughter, Margaret, also incarcerated, who believed her father was Prince Albert, was very violent, obstinate and refractory.

Their rage was expressed not only verbally but also physically. Jane Foxton and Sarah Vincent smashed windows. Martha Hardy smashed windows and ripped her clothes; Margaret Best smashed windows and threw things onto the fire, as did Elizabeth Dickinson. Catherine Cummins ripped her bedding. Mary Billiard burned and destroyed her clothes and bedding. Emma Kempling broke windows, destroyed clothes and bedding. Eliza Frost swept cups and plates off the table when she had finished eating. And it was not only against objects that this rage was manifested. Jane Elizabeth Lloyd was very fond of using her hands against other people. Mary Kennedy had unpredictable fits of violence and attacked those around her. Mary Sophia Pegus, whose husband had been the overseer of buildings at the boy's prison at Point Puer, near Port Arthur, and had never recovered from the death of her daughter, was wild, incoherent and threatened everyone with whom she was brought into contact. Elizabeth McKew was violent and abusive and assaulted the nurses. Minnie Gall violently assaulted both nurses and patients. Johanna Thorn attacked Ellen Fitzgerald, cutting her on the head; and Bridget Kelly flung Anne Roberts to the floor, dislocating her elbow. Grace Crombie threw cups of hot tea.

In spite of hot (as punishment), and warm (as a soother) evening baths, sleeves (to prevent self harm, destruction of bedding, masturbation), and isolation in the cells, and the constant readjustment of draughts of chloral-hydrate and bromide, the sense of restlessness and anxious anticipation was not entirely eased by the night. Fear kept many awake. Johanna Mahony screamed out in the night. Ellen Jackson would start awake thinking people were surrounding her. Ann Crowley, who had been systematically beaten by the man she lived with, never slept. Catherine Horan was visited by evil spirits at night, while Ann White was haunted by knocking on the walls. Catherine Landrigan could not sleep because the Saints in her head troubled her. Some moved about. Mary Billiard got into another patient's bed because a voice told her to. Mary Reardon said that her bed was being carried around in the night and demanded that it be stopped. Others, like Sarah Anne Schofield and Elizabeth Dickinson, were

more vocal. Johanna Thorn seldom slept but talked and muttered and broke out with an imbecile laugh. Elizabeth McKew sang to herself and so did Catherine Cummins. Mary Jane Thomas, like Mary McCane, stripped herself and sang and danced and shouted nearly all night long. Helen Hadfield whispered prayers without reference to time or season.

Helen Hadfield's religiosity was shared by several other women. Emma Kempling preached and sang hymns with or without listeners. Martha Florence Eastman, whose father had been the chaplain at Port Arthur, muttered and sang on religious topics. Mary Pickford had been baptising calves before she was admitted. Johanna Jefferey said she was married in heaven by God and his son. Margaret Best believed she was the mother of the Holy Ghost, Harriet Lancaster thought all children were devils and Maria Fenwick was sure she had sacrificed her boy on the altar. Catherine Landrigan, whose Saints kept her awake at night, would, during the daytime, throw breadcrumbs into the fire to feed them. Anne Davidson believed a new world was being created and that she was taking part in its creation and Roza Mitchell, too, believed she had been appointed by the Almighty for some special task. Mary Billiard believed the late Pope Pius IX was on the ship *Bell* currently in the harbour.

The casebooks provided the structure within which a woman could be placed: age, married, single or widowed, condition of life and previous occupation, religious persuasion and place of abode. She had to be classified as a lunatic, an idiot, or a person of unsound mind, and the aberration that had brought her to this point was to be identified: whether and when there had been a previous attack, if, when and where she had been under care and treatment, the duration of the existing attack and its supposed cause, whether the person was subject to epilepsy, and whether she was suicidal or dangerous to others. Within this frame, already loaded with the preconceptions of its creators, there was considerable room for elaboration.[17]

We have here, however partial – or even fantastical , – fragmented biographies within which the life narrative templates available for these women can be gleaned. Gertrude Kenny had much more than this: the stories that came from the mouths and

[17] As Foucault argues: 'Bodies, actions, behaviours, and discourses [were] gradually besieged by a tissue of writing, a graphic plasma, which [recorded] them, [codified], and [schematised] them.' Through this 'perpetual investment by writing', 'individualities' were constituted. Michel Foucault, *Psychiatric Power: lectures at the College de France, 1973-74*, Basingstoke, Hants: Palgrave Macmillan, 2006, pp. 49-50.

demeanours of the women themselves as well as the gossip surrounding them, and the relationships that were inevitably known in a small colony. Many of these experiences intersected or coincided with those of Gertrude Kenny. Theirs were lives that had often held similar constraints and promises, but somehow gone awry. For most of the women Tasmania was not the land of their birth; like Gertrude they had been cut off from any networks of support they might have had in the United Kingdom or Ireland, from where they had come. To some the rupture reformulated itself in delusions. Mary Beaty, for instance, believed Queen Victoria had stolen her clothes so that she couldn't go to church. Elizabeth Dickinson told Dr Edward Crowther she was going to go to England by rail because she had a plan for emptying all the English workhouses. Anne Cole had managed to diminish the distance between herself and her hometown in Scotland. She told Drs Edward Crowther and Smart that she was either very close to Dunblane or that it would only take her ten days to get there, mostly by rail and then a few miles by road.

Some connections pre-dated the voyage out. Eliza Frost was a Welshwoman who'd come from just south of Brecknockshire where Gertrude was born. She was the daughter of the Chartist, John Frost, one-time Mayor of Newport, who was transported to Van Diemens Land for treason in 1840. But Eliza Frost was a haughty woman, very much one to stand on her dignity. Delusions about property marked her 'amentia', leading her to believe that Dr William Crowther, Mr Meredith and others had come to visit her in disguise to prevent her from realising her rights.[18] When Eliza Frost was first admitted in 1867, the Ladies' Cottage had not yet been built and Dr Huston noted that he was trying to find her married sister in Victoria because he believed 'her retention here [was] not advisable and [he would] recommend her friends to forward her to England.' He even contacted the exiled Chartist Zephaniah Williams, who had managed to subdue a riot at the asylum in 1844. But in January 1870, when the cottage was ready for occupation, Huston noted that he was unwilling to transfer Eliza Frost there because she was so overbearing. She was, he wrote, 'most outrageous in her defiance of

[18]John Frost had returned to London to huge demonstrations of welcome, just as Gertrude was planning her voyage to his place of exile. Frost's own motivation for Chartist agitation appears to have been as much informed by personal grievance about property and inheritance as worker solidarity. Some of this is apparent in his will (12 April 1874). The proceeds of a disputed property, the Royal Oak, and Frost's books were to be equally divided among his three daughters (http://www.newportpast.com/nfs/strands/frost/will.htm accessed October 12, 2006). See also David Williams. *John Frost: a study in Chartism*. Cardiff: University of Wales Press, 1939. Specific mentions of Eliza Frost (named Catherine) are her birth – the fourth child of eight – 16 October 1818 (p. 16); her arrival in Tasmania to be with her father (p. 314) and her accompanying him on a lecture tour of the United States in 1855 (p. 315).

discipline & authority ', 'standing on her dignity', and often refused to speak to either Dr Huston or Dr McFarlane. In the case of Eliza Frost, her alleged disdain and spitefulness appears to have been directed at everyone at the asylum and when, a couple of months after her arrival, she complained to the Board about Gertrude's predecessor, Matron Isabella McLachlan, her allegations were dismissed as unfounded. Huston's desire to reunite Eliza Frost with her relations may not have been so much occasioned by his discomfort at a woman of her class mucking in with the convicts as the threat to authority created by her presence. Such challenges were amplified for women like Gertrude whose authority was vested in a professional status that could at any moment be undermined by a higher class status. Upper-class patients were more likely to bypass the disciplinary structures of the asylum and appeal to the partiality of those they considered their social equals.

Gertrude Kenny superintended all classes but the closer they matched her own the more complex was the process of differentiation. As well as the examples of harrowing married lives, the experiences of the single women, Sarah Powell and Jane Tolmey, mirrored the difficulties she too had undergone as a working woman making her way outside the conventions of marriage. Their presence at the asylum exposed the precariousness of this position, the thinness of the line between coping and despair, between sanity and madness.

There were those who, like Gertrude, had travelled to the colony as single bounty emigrants. Sarah Powell, for instance, had arrived on the *Woodcote* in 1857 a year before the *Constance* voyage. She was a widow with one son and had been cook to several Hobart families. She said she had been deceived about the asylum, and that she had been told she was going to a private establishment as a nurse. She remained 'rational in ordinary subjects' and, as Huston noted, worked 'quietly at her needle', but she suffered from a feeling that her head was full of electricity and had hallucinations about magic spirits. Jane Tolmey had been a public servant, as Gertrude was now. She was a single woman who had been employed as a school mistress at Jerusalem.[19] Described by Huston as 'ladylike' and always well-behaved, she had been admitted because of her 'religious monomania' and trances that were treated with the galvanic

[19] She was listed as a government pensioner in 1871. 'Statistics of Tasmania for 1871', THA*J,* 1/1872.

battery.[20] Mary Glover had also come free to the colony as a domestic servant. Like Gertrude, she was educated and had also worked in the house of a man who later became Premier. Mary Glover, then Mary Stubly, was servant to the Champs, the family of the Commandant of Port Arthur. Unlike Gertrude, she did not come out as a bounty migrant but had travelled under the protection of the Gibson family who were substantial landowners. According to the Board that committed her, she was lured from her respectable place of employment by William H. Glover with whom she lived on the isolated East Coast, 'residing in the bush for the last three years, and kept from intercourse with her species'. In 1847 she had been brought to the Asylum, emaciated and suicidal, having been found by constables after wandering in the wilderness for three days. On her admittance the medical officer identified the precipitating cause of her mania as 'ill usage'. Thirty years later the case notes record her lapsing into imbecility.

Rape and/or violent marriage were often given as a reason for admittance. For women like Mary Glover, the Asylum could be a haven.[21] Sarah Marshall, who was frightened of being raped, also arrived 'in a state of neglect', her hair so matted it could not be combed. When Annie Crowley was admitted, Dr Huston referred to her as:

> a miserable looking woman of very small stature far advanced in pregnancy. [She had] a severely contused eye and bruises over various parts of the body which she [stated were] the result of ill-treatment from the man she lived with and who accompanied her here.

Her response had been variously never lying down to sleep, trying to drown herself, and trying to retaliate with a knife or tomahawk. Sarah Vincent, aged 43, had fourteen children, the youngest of whom was ten months old. After being deserted by her husband, she had taken up with another man who beat her and kicked her in the side. She started wandering off for days on end, at other times breaking windows, destroying

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[20] See A W Beveridge & E B Renvoize, 'Electricity: a history of its use in the treatment of mental illness in Britain during the second half of the nineteenth century', *British Journal of Psychiatry,* vol. 153, 1988, pp. 157-162. Under its previous incarnation, *Journal of Mental Science*, this journal first published articles on the use of electricity in mental illness in 1871.

[21] Janice Chesters argues that the confinement of the asylum could also make it a haven, a place of safety from a violent world. Even amidst the violence within the New Norfolk Asylum this would have been true for some of the inmates. Janice Chesters. 'A Horror of the Asylum or of the Home: women's stories 1880-1910' in eds. Catharine Coleborne & Dolly MacKinnon, *'Madness' in Australia: history, heritage and the asylum*, St Lucia: University of Queensland Press, 2003, pp. 136-144.

food; and about six weeks previously pointed a gun at some people in the house. When Harriet Bird, mother of nineteen children, complained of mistreatment by her husband, the Board put it down to a delusion. Margaret Frazer believed a man was trying to deprive her of her human shape and poison her child. One can only imagine what might have triggered the delusions of Mary Catherine O'Boyle, daughter of the Sergeant at Arms to successive governors, including Sir John Franklin and Sir William Denison. She was certified by William Crowther who wrote that she had:

> been the subject of a fixed hallucination as to her identity, fancying she is not living, "her body having died inside" and believes if her head were removed, the body would be relieved, and that she will be on earth until the day of Judgment.

The second doctor reported that she had told him:

> That her body died inwardly, that she was suffocated forever, and would not die in any nice way and that if her head was taken off the breath would still be left in her body.

Her insistence that her body was dead was countered by Dr Huston with the administration of the electric battery, during which she admitted her body was alive and begged to be let off.

The emotional, soul-wrenching and sometimes even Gothic experiences of these women, erupt from the very records that were designed to control, contain and neutralise them. Record keeping was what had enabled the indirect governance of an antipodean penal colony. Foucault argues that writing is itself a disciplinary instrument. Without it there can be no hierarchical continuum. With it, recording, transmission and categorisation is enabled, allowing an 'omnivisibility' to be created. Records that were designed to be compatible between disciplinary apparatuses provided a continuity of surveillance.[22] Subjects who transgressed societal norms could be tracked as they moved from one side of the world to the other through gaols, courts, hulks, transports, and assigned service and/or asylums. The case books documenting the admission of convict lunatics did not change in format after the end of transportation or with the admission of free patients.

[22] Foucault, *Psychiatric Power,* pp. 48, 53.

Dr George Huston, the Surgeon-Superintendent categorising these women and inscribing their files, had begun his career in the Colonies as Assistant Medical Officer to the Imperial Convict Department. His first appointment in 1847 was to the Tasman Peninsula: first to the Coal Mines, the place of severest punishment of all the penal settlements with its gruelling work and underground cells, and then to the adjacent convict lunatic asylum at Saltwater River.[23] He had worked at the New Norfolk Asylum since 1849, for the first five years as Assistant Medical Officer and then as Surgeon-Superintendent. By the time Gertrude Kenny took up her position at New Norfolk he was reaching the end of his career and showed signs of exhaustion. His previous Assistant Medical Officer having been seconded to Port Arthur seven years before, he wrote in his request for a replacement:

> I am now nearly 65 years of age, and am unable to bear the same strain on my mental and bodily energies as I have done for the last 22 years that I have held my present office … Several periodical attacks of illness and severe suffering from neuralgia have … diminished my physical strength and mental energies to such an extent that renders assistance absolutely necessary, or the alternative of having to altogether relinquish my duties.[24]

The inscriptions in the case books were informed by Huston's particular background and, more generically, by the context of an emerging field of psychiatry that, during his professional career, had hovered uneasily on the edges of scientific acceptability. In configuring the new discipline, efforts were made to demonise earlier manifestations such as the lay madhouse keeper who was discursively lumbered with the baggage of chains, overcrowding and cruelty, all of which in actuality persisted for at least another century. This disassociation was particularly difficult in the context of a penal colony and institutions whose governing bodies were ambivalent about whether their aims were punitive or curative. The term 'asylum', applied to the early New Norfolk institution, gave lip service to the Quaker idea of a haven within which moral reform could take place, but only a few took this seriously. The change to 'hospital' after devolution of power acknowledged the ascendance of a medical paradigm.

Huston injected his admission notes with nascent psychiatric terminology but made no further use of these observations. Occasionally he commented on heredity, but far

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[23] Obituary: *Mercury*, 20 December 1890; see also Miranda Morris. *Paupers, Invalids and Lunatics*.
[24] TLC*J* 1877/40; THA*J* 1878/6.

more frequent and consistent were his phrenological descriptions. Phrenology, as a science, was in its heyday when Huston trained and his early case notes reflect this preoccupation.[25] Of the women who were still at the Hospital when Gertrude came to work there, Elizabeth McKew, a convict admitted in 1849, was described as having no traceable hereditary taint but as having inferior phrenological development. Mary Leary, also admitted that year, was described as an 'ignorant Irish girl' with very inferior phrenological development'. Another convict, Margaret Murphy, who would later become Gertrude Kenny's servant, was described as 'an Irish woman – ignorant and undereducated … phrenological development inferior'. Mary Jane Campbell's Irishness was also linked to her inferior phrenology. Johanna Thorn had an 'inferior intellectual cast of countenance and phrenological development'. Jane Foxton was a girl with 'bad phrenological development showing imbecility in her face'. Sarah Parnham was a convict woman 'of inferior phrenological development and exceedingly low cast of countenance'. Almost all the phrenological descriptions followed this pattern of 'low' or 'inferior'. Sarah Powell's phrenological development was 'mediocre', as was Mary Rodman's, whose 'muddy' complexion was also noted. Mary Jane Thomas was the only woman with a 'tolerably good' phrenological development, which suggests that those patients whose phrenology did not reflect the pattern of bumps identified with forms of insanity were not given phrenological diagnosis. Huston's phrenological observations became less frequent in the 1870s, coming to a halt in August 1876. Phrenology had by then long fallen into disrepute.[26] Nevertheless, the kernel of phrenology was to re-emerge in a more sophisticated form in the Social Darwinism of the late nineteenth century, and again in the eugenics movement of the 1930s.

These phrenological readings appear to have served no purpose in the treatment of the women admitted. Indeed, the hegemonic medical toehold on the care of the insane had

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[25] *The Phrenological Journal and Magazine of Moral Science* had begun publication in the mid-1820s. In the '40s when Huston began work at New Norfolk, the journal (similar in tone to its contemporary *Lancet*), contained descriptions of post-mortems in various hospitals such as 'Cases in Bethlem Hospital illustrative of the Pathology of Insanity'; reports of archaeological racial/cranial investigations like Mr P F Bellamy's description of two mummified Peruvians that he had presented to the British Association at Plymouth; or the analysis of skulls of the famous such as Beethoven and Schiller. Closer to home the journal had republished 'Norfolk Island – Reform in Convict Treatment' by Captain Maconochie in 1842, previously published in the *Scotsman.* Although the article was very much about moral treatment and contained no mention of phrenology, an editorial addendum indicated that Maconochie was well known to be an adherent of phrenology and had 'derived much aid from its principles in treating the convicts under his charge'. vol. 15, no. 52, pp. 59-61; 252-61.

[26] See M John Thearle, 'The Rise and Fall of Phrenology in Australia', *Australian and New Zealand Journal of Psychiatry,* vol. 27, no. 3, 1993, pp. 518-525.

to be enacted more through performance and moral influence than scientific diagnosis and pharmaceutical and/or surgical procedure. With no proof of medical cure being any more effective than rest and convalescence, the profession chose a path that was antithetical to the argument that its scientific knowledge base was what underpinned medicine's claim to a monopoly over policy-making and the running of asylums. A discipline of 'moral science' came to be used for the field we would now broadly describe as psychiatry. Rather than his scientific knowledge, diagnostic ability, and surgical or pharmaceutical intervention, it was the medical man's professional embodiment that recommended him to the position of Surgeon-Superintendent; it was his class, his objectivity, and his adherence to particular codes of conduct. [27] So George Huston was scaffolded, as it were, by the status with which his profession endowed him. He was also accorded some of the attributes of the colonial administrator or missionary. Medical professionals running asylums could, Fournet eulogised, be likened to:

> The missionaries of civilisation who take from the family its spirit of peace, benevolence, devotion, and even the name of father, and who seek to cure the prejudices, false traditions, and errors of savage nations, … in comparison with the conquering armies who claim to bring civilisation through the brutal force of arms and to act on nations in the way that chains and prisons act on the unfortunate insane.[28]

A woman's return to sanity was measured by Huston and other surgeon-superintendents, not by any scientific medical criteria, but according to her performance of his idea of femininity. High on the list of aberrant behaviour was expressed sexuality. Emily Saville's 'behaviour in the presence of the other sex' was 'unseemly'. She had 'gone wrong through love affairs' and had 'somewhat of an erotic tendency'. Ellen Fitzgerald was 'obscene'. Mary Ann Rance was 'very foulmouthed'. Maria Fenwick used filthy language. Jane Elizabeth Lloyd conversed in an immoral manner. Susan Radcliffe spoke 'indelicately'. Many of the women were recorded as having 'dirty habits', and were dealt with by means of sleeves, admonitions, hot baths

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[27] Both Foucault and Andrew Scull problematise the contradictions between the claims of medical science and the emphasis on embodiment and performance. Foucault, *Psychiatric Power,* p. 9; Scull, *Most Solitary of Afflictions,* especially chapter 5, pp. 232-244.
[28] *The Moral Treatment of Insanity* (1854), quoted in Foucault, *Psychiatric Power*, p. 108.

and increased surveillance. Stress was laid on sounding feminine.[29] The noisiness referred to earlier, not to mention the coo-eeing of Jane Campbell and Martha Stanley's 'inharmonious roar', was also considered a deviation, but then so was the opposite. A woman who was too quiet or taciturn was likely to face electroconvulsive treatment. This happened to Mary Bella Harbuckle, the only 'woman of colour' at the asylum, who had been diagnosed as suffering from puerperal mania.

The principal measure of a woman's sanity was a combination of her demeanour and how well she applied herself to needlework; and the needlework, of course, also had pragmatic outcomes for the institution.[30] The output of the women was prodigious. In 1877, the year before Gertrude's appointment, they had between them sewn 149 aprons, 11 window blinds, 6 boys' blouses, 200 pillow cases and bolsters, 27 caps, 83 coburg, print and tweed dresses, 58 ticking dresses, 17 winsey dresses, 12 pairs of cotton and flannel drawers, 5 nightgowns, 160 cotton jackets, 384 men's shirts, 172 women's shifts, 12 pairs of stockings, 34 towels, 24 flannel vests, 207 hoods and 98 petticoats.[31] In addition, the women cleaned and scrubbed and undertook the heavy, monotonous work of the laundry; not only for the institution but also, as Gertrude's successor remarked, for the households of Dr Huston and Reverend Murray.[32] These occupations were not only gendered but also classed. It was almost always women who had been convicts who worked in the laundry, and it was only ladies who crocheted.[33]

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[29] See Dolly McKinnon, ''Hearing Madness': the soundscape of the asylum,' in *'Madness' in Australia*, pp. 73-82.

[30] Femininity was perceived as naturally confined, so that although it was recognised that fresh air and exercise were generically therapeutic, women were seldom outside except for short 'airings'.

[31] THA*J* 1878/6, p. 8. Ticking is the very heavy cotton normally used for mattress covering.

[32] 'The monopoly Messrs Huston and Murray exercised over the labours of the two laundresses of the institution will readily account for the state of things, as the patients' washing was evidently left to the management of the patients themselves, who were supposed only to assist the laundresses, otherwise the services of paid laundresses were unnecessary.' Evidence of Martha Laland. TLC*J*, 1883/12, p. 46.

[33] At the asylum at Clermont on the Oise in France, the 'colony' was self-serving. Its proprietor accepted pauper patients from the State at a pro capita rate and put them to work to support the fee-paying ladies and gentlemen at the Chateau and apartments. But as well as a class demarcation, certain tasks were identified as therapeutic for particular types of disorder:

> 'Those in the washhouse and laundry are almost always affected by noisy delirium and would not be able to abide by the peace and quiet of workshop life.
> Those occupied with hanging out the washing are melancholics in whom this kind of work can restore the vital activity they so often lack.
> The idiots and imbeciles are responsible for taking washing from the laundry to the drying rooms.

The authority of the Surgeon-Superintendent, Foucault points out, could only become manifest through a differential power structure reliant on 'dispersion, relays, networks, reciprocal supports, … etc'. The most senior officers under the Surgeon-Superintendent and the Assistant Medical Officer, Dr Macfarlane, were what Foucault calls the Supervisors, comparable at New Norfolk to the Head Keeper and the Matron, who, he suggests, had the task of 'informing on the patients, of being the unarmed inexpert gaze, the kind of optical canal through which the learned gaze, that is to say the objective gaze of the psychiatrist himself, will be exercised'. Their 'discourse, gaze, observations and reports must make possible the constitution of medical knowledge'. The servants or nurses played a particularly ambivalent role; although occupying the lowest positions in the institutional chain, they commanded a duplicitous power over the patients. Apparently servants to the patients, they were also informants, working in collusion with the medical hierarchy, empowered by their authority to report aberrant behaviour.[34] Regulations were central to this disciplinary system: without clear hierarchies and rules, the semblance of reason that lay at the basis of moral treatment would disintegrate. But at New Norfolk there appear to have been no formal position descriptions. Indeed their absence became a central concern during a Select Committee Inquiry led by William Crowther in 1883. Martha Laland, who had worked in seven asylums both in the United Kingdom and in other Australian colonies before her appointment as Matron to New Norfolk in 1880, was incensed:

> I consider it literally impossible that a Lunatic Asylum can be properly governed in the absence of Rules and Regulations. In Asylums with which I have been connected in England, not only was each attendant furnished with printed *directions* as to her duties, but a duplicate of such in enlarged type was also placed in front of *her bed*, so that no excuse could be pleaded as to ignorance relative to the nature of the functions. I may here state that from the time of taking office in this Institution I have not ceased to represent to the Superintendent the disadvantages arising from the lack of printed rules; and in the month of July 1881, very pointedly drew his attention to this defect in the

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> The workshops for sorting and folding the laundry are the remit of calm patients, monomaniacs, whose fixed ideas or hallucinations make possible a fairly sustained attention.

Quoted in Foucault, *Psychiatric Power,* 140, fn 5.

[34] Ibid. pp. 4-5.

> management, to which he replied that he had not time to form such regulations.[35]

It was suggested to her that she should draw up these regulations, although she declined to do so for her own position. Those for the Sub-matron were very detailed, running to twelve dot points and republished in Crowther's Select Committee report.[36] Although detailed job descriptions were provided at the end of a Royal Commission report earlier that year, Laland's description of the Sub-matron's duties, pre-dating that report, was demonstrably missing; it had been replaced by a one-sentence catchall. And by the time Crowther's Select Committee was making its inquiries Martha Laland had been dismissed, probably because of her earlier outspokenness.[37] The Matron's duties, on the other hand, were drawn up in some detail and would have borne at least some resemblance to those Gertrude Kenny might have been expected to perform:

> She shall have charge of the Female Division, under the control of the Surgeon-Superintendent.
>
> She shall visit the Patients as much as possible, especially during meals and while they are at work, encouraging them by every means to industry and usefulness at needle or other work, according to their several capacities.
>
> She shall keep a Book showing the amount of work performed by each Patient.
>
> She shall exercise a strict surveillance over the Sub Matrons and Attendants, taking care that their several duties are performed in a proper manner; and she should report to the Surgeon-Superintendent without delay any irregularity that may come to her knowledge.
>
> She shall be especially careful that the Patients are not harshly treated; but shall see that, while sufficient firmness of demeanour is displayed towards them, they are at the same time encouraged by gentleness, persuasion and example.
>
> She shall see that, in the case of a violent Patient, sufficient strength is present to overpower her without the slightest ill usage. In no case shall she order a

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[35] TLC*J*, 1883/12, p. 44. Emphasis in original.
[36] Ibid. pp. 5, 48-49.
[37] The reason given for her dismissal was that she had been drunk on duty. 'Correspondence between W L Crowther and the Government re the Royal Commission into Asylums for the Insane', TLC*J* 1883/71.

> Patient to be confined without reporting the circumstances to the Surgeon-Superintendent at the first opportunity.
>
> She shall visit the patients frequently after they are in bed, and see that their comfort is properly attended to.
>
> She shall see that all orders given by the Surgeon-Superintendent are properly obeyed, and that all extras are duly administered as prescribed.
>
> She shall read the appointed prayers to the Patients every morning, except when a Minister attends.
>
> She shall have charge of all articles of Clothing, Materials for Work, and other articles, when issued from the Stores; and shall superintend for cutting out and preparing of work for the Patients.
>
> She shall have charge of all books issued for the use of the insane, and see, as far as possible, that they are not injured or destroyed.
>
> She shall keep a Book showing the private work performed by Female Patients, and forward it every month to the Office, in order that the accounts may be paid from it.[38]

A Matron had to be totally dedicated to her work; at the Bethlem Hospital in London the rules stipulated that 'she shall not be under thirty, nor above forty five years of age at the time of her appointment, and she shall be unmarried, or a widow not encumbered with a family.[39] At St Andrews Hospital for Mental Diseases in Northampton, she was to 'reside in the Asylum and give up the whole of her time to the duties of her office'.[40]

Gertrude Kenny had taken on a position that required extraordinary managerial ability and that was both physically and psychologically arduous. She had the care of the fragile lives of 134 women and the management of a staff of seventeen who were

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[38] Tasmania. Parliament, 'Royal Commission into Lunatic Asylums in Tasmania: report', THA*J* 43/1883, p. 55.
[39] *Bethlem Hospital Rules and Orders Together with the Duties of the Several Officers and Servants*, 1866, pp. 27-30. Wellcome Library (WL).
[40] *Rules of St Andrews Hospital for Mental Diseases*, Northampton, 1879 (WL).

untrained and for the most part inexperienced. She was on hand, if not actually working, almost all the time, day and night. Her cottage, wedged as it was between the Hospital and Refractory Wards allowed her no escape from the tormented lives of the inmates. Although she was surrounded by people she was also isolated; her friends in Hobart were thirty miles away, as was her spiritual community. But she could, however briefly, take some satisfaction in her achievement and its attendant benefits: the status of a salaried officer in the Public Service; a cottage to herself.

PART THREE

A BODY ON TRIAL

CHAPTER ELEVEN

INVALID POSITION

In the early years of the Asylum in New Norfolk as elsewhere in much of Europe, in Britain and her colonies, the management was vested in a Superintendent and a Matron; a husband and wife team usually, though not always, respectable working-class. But by the mid-nineteenth century, the medical profession had virtually monopolised the treatment of the insane. With the role of the Superintendent now being vested in a doctor, what became of the position of Matron?[1] At the Lincoln Lunatic Hospital the husband /wife relationship was maintained by analogy; its rules stated that 'Attendants and Servants [should] obey the orders of the Medical Superintendent and Matron, as the Master and Mistress of the House'. But this was an exception.[2] For the most part, the tenuousness of the medical claim meant the social status became paramount.[3] As Mortimer Granville, investigating asylums for the *Lancet* in 1877, put it:

> The circumstances of the superintendent's wife acting as matron involves a sacrifice of social position injurious, if not fatal, to success. It is above all things indispensable that the medical Superintendent of asylums should be an educated gentleman; and if that is to be the case their wives cannot be matrons. Indeed, it is inconceivable that a man of position and culture would allow his family to have any connection with an asylum.[4]

While the Surgeon-Superintendent's position was defined, that of the Matron became ever more contested. She could not be the Surgeon-Superintendent's wife, but she had

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[1] Elaine Showalter has drawn attention to the way powerful medical men such as John Charles Bucknall, editor of *The Asylum Journal of Mental Science*, sought to shore up the status of the profession by belittling the role of women and, in the case of Bucknall, seeking to abolish the position of matron in asylums altogether. His remarks drew attention away from their managerial capabilities and focused on their bodies, suggesting that if they had to be appointed at all, they should be selected by weight. Elaine Showalter, 'Victorian Women and Insanity' in ed. A Scull, *Madhouses, Mad Doctors and Madness: the social history of psychiatry in the Victorian era,* Philadelphia, University of Pennsylvania Press, pp. 313-338, pp. 318-319.

[2] *Rules of the Lincoln Lunatic Asylum*, Lincoln, 1876, WL.

[3] It was not possible for the medical profession to claim that they could cure mental illness, only that the characteristics of a medical professional made him the best suited candidate for Asylum superintendence.

[4] Mortimer Granville. *The Care and Cure of the Insane*. Hardwicke & Bogue, 1877, vol. 1, p. 99.

control of the 'servants' (a term that was used interchangeably with 'nurses' and 'attendants'). Usually, in a working hierarchy she was treated as on par with the Head Keeper, but the parity was not absolute. At the Bethel Hospital in Norwich, for instance, the Head Keeper was called the Master and, like the Matron, was answerable to the Medical Superintendent but the Matron was also to 'obey the directions of the Master'.[5] This is likely to have been how the Superintendent/Matron relationship was intended to work when asylums were run by a married couple, leaving the woman in the inherently discordant position of having to answer to two different men. There was no Head Keeper at the Hospital in the period Gertrude Kenny was there. Instead, there was a Clerk and Storekeeper, Charles Smales, who had held the position since 1855. The scale of pay – his £200 to her £150 – and the fact that he did not reside within the establishment, indicate that his position might have been considered senior to hers. In the spatially gendered Divisions the hierarchies were subtly different, too; with incomes always higher on the male side. [6] And Charles Smales held the purse-strings for rations for both Divisions. Conversely, Gertrude Kenny was provided with a cottage and her constant presence on the site placed her in command in the absence of the Surgeon-Superintendent.

But the relative social class of Superintendent and Matron was already under revision at the time of Mortimer Granville's writing, and of Gertrude Kenny's appointment. The change began with upper middle-class Anglican sisterhoods moving into nursing and hospital management, but was personified in Florence Nightingale during the Crimean War.[7] Alison Bashford, writing of this re-codification, argues that in a narrative of progression the image of Florence Nightingale became the desired endpoint of a transition whose crude beginnings could be traced to Charles Dickens' Sairey Gamp. The disparity between the two images was increasingly accentuated. The former –

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[5] *General Regulations of the Bethel Hospital*, Norwich, 1861, WL.

[6] The Male Division in 1878 had three Under-Keepers whose salary ranged from £130 to £85 while the Female Division had two Sub-matrons: Mrs Bell at £60 and Mrs Nichols at £40 and an Upper Nurse, Eliza Saville, also at £40. The Male division employed three tradesmen: a baker at £70, a carpenter at £46 and a tailor at £42. They also appointed a gatekeeper at £45. The twenty wardsmen received salaries between £36 and £46 while the wardswomen, fifteen in number, received between £30 and £40. 'Statistics of Tasmania for 1878'. HA*J* 1879/1, p. 16.

[7] Bashford cites Davidoff and Hall *Family Fortunes* on the maintenance of purity and cleanliness as 'both a religious goal and practical task for women' (p. 36). She argues that the new Lady nurses brought a domestic ideology to the hospitals in which they became the mistresses controlling the activities of the older nurses who were now their servants. To disguise the cash for labour nexus which would have made the work unacceptable for ladies, nursing was re-coded as a quasi-religious calling (p. 23). See also Poovey, 'A Housewifely Woman: the social construction of Florence Nightingale', in *Uneven Developments,* pp. 164-198.

progressive, clean, moral, authoritative; was being pitted against the coarse, aging, dirty, inappropriate figure of an earlier generation.[8] Notes on applications from women who wanted to join Nightingale in the Crimea included such reasons for refusal as their age, their size or being 'almost black'.[9]

Some asylum administrators, wanting both the moral influence inscribed on upper middle-class 'sisters' and the practicality of the working-class matron, tried to accommodate these reconfigurations structurally. At the Manchester Royal, in the place of the Matron, two positions had been created: a Housekeeper and a Ladies' Companion. The Ladies' Companion was to set an example to the attendants by her own conduct and see that their manner was 'attentive, gentle and conciliatory'. She was to superintend the comfort, cleanliness, and condition of the bedding and clothes of the patients, and ensure their treatment was in accordance with medical instructions. Furthermore, she was to endeavour to promote cheerfulness by devising for them suitable 'occupation and amusement'. The Housekeeper who, like the Ladies' Companion, was directly answerable to the Surgeon-Superintendent, was to superintend the kitchen, laundries and wash houses and the 'servants employed therein'.[10] We have here a split commensurate with the responsibilities of a Mistress and a Housekeeper in a well-to-do household. But there is a difference in that there was a direct line of command between Housekeeper and Master, reflecting the unease male professionals felt with the entry of women of their own class into their workspaces.[11]

The re-codification of the Matron was happening within Gertrude Kenny's domain. The Hobart General Hospital had undergone a restructure only the previous year and the position of Matron was abolished in favour of that of a Lady Superintendent. The first appointment to this new post was a Nightingale nurse who was a descendant of a colonial judge, and described by William Crowther's grandson, W E L H Crowther, as of

[8] Bashford, pp. xv, 22, 30.
[9] Jane Robinson, *Mary Seacole: the most famous black woman of the Victorian age*, New York: Carroll & Graf, 2004, p. 86.
[10] *Rules for the Government of the Manchester Royal Lunatic Hospital or Asylum*. Manchester, 1867, WL.
[11] Bashford illustrates this tension with a crisis at Guy's Hospital in London in 1879 (Bashford, p. 26). Similar crises arose at both at the New Norfolk Hospital for the Insane and at the Hobart General Hospital, where medical officers were resistant to 'lady' professionals.

'good stock'.[12] The wording of the Commissioners when they sought a replacement for Gertrude Kenny suggests that they, too, were thinking in terms of class:

> The services of a Matron whose training, work and address would inspire hopes on the part of the Commissioners that her management would command respect of the various female employees in the women's branch of the Hospital, and not fail to impress the patients also, were long felt to be a desideratum in the Hospital, and one which it became more urgent to supply as more patients of a better social status appeared in the wards.[13]

Gertrude Kenny's appointment as Matron to the New Norfolk Hospital for the Insane was a remarkable achievement for a woman who had come to the colony as a general servant but it came at the cost of social isolation. Her accommodation, and a salary three times that of the Sub-matron, marked her as an officer, a distinction made in the military to lend authority to a certain class of leader by reinforcing an unbridgeable social divide between him and the men in his command. Men who were subaltern officers, although often looked down upon by their superiors, had a broad community of social equals. But women, unlike men, were not socially assessed by their professional status; their class was determined by the status of their fathers or husbands. A woman who had achieved professional status was an anathema.

Although the social parity that had existed between Matron and Superintendent was severed when the professional status of the Superintendent classed him as a gentleman, the relative status of the Matron and the doctor's wife was not so clear cut. The hierarchy at New Norfolk can perhaps best be imagined spatially, where the high walls of the asylum separated the residence of Mrs Huston and Mrs Kenny's Matron's Cottage. Dr Huston, in his tower top office at the Hospital, had a view down to both dwellings. Beneath him from one position was Sarah Huston, running his domestic household at *Frescati*, creating and protecting civilization; and from the other Mrs. Kenny ruled over his public household, the Female Division, keeping the uncontrollable and the irrational at bay. Given the ideological slippages between class and gender, Mrs Huston's higher social status could be said to have been counterbalanced by Mrs Kenny's professional status and level of responsibility. In this strange parity of

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[12] W E L H Crowther, 'Some Memories of the old General Hospital', Hobart, 24 March 1940, typescript, SLT Crowther Collection.
[13] Extract of Commissioners' Report for 1879 in TLC*J* 1880/12, p. 48.

difference, the closest to an equal Gertrude had within this rarefied community was, ironically, Sarah Huston.

But her status, already contradictory, was about to change again. On 21st March, only two months after she had taken up her appointment as Matron at the New Norfolk Hospital for the Insane, Gertrude Kenny was so severely kicked in the abdomen by a patient that she was bedridden for the best part of the year.[14] Mrs Kenny was now herself a patient in the Hospital where she was Matron. In name she still had the authority, but she was now helplessly dependent on the nurses. And for the duration of her illness Gertrude Kenny's relationship with Dr. Huston entered, by necessity, a different level of intimacy. The complexities of this altered status have to be seen in the context of the broader ambiguities surrounding the place of the invalid in Victorian society and the cultural and material meanings ascribed to, and experienced by, a person whose usual identifiers are temporarily suspended.

Gertrude Kenny's incapacity occurred at a time when the figure of the invalid occupied an extraordinarily prominent position. Invalids became a targeted market for commodities ranging from wheelchairs to spouted drinking cups; they were the subjects of paintings and fiction, they were catered for by nursing manuals and cookery books, and a plethora of fiction and guidelines, usually religious, on how to bear the suffering.[15] A person was left in no doubt as to what constituted a 'good' invalid in this body of literature. But a 'good' invalid was a subject position that could only be occupied by a person fitting certain class requirements, and even then the requirements varied according to age and gender. The notion of the good invalid was also understood by those in whose professional care they were placed. It was incumbent on the invalid to perform in particular ways, assume certain modes of being, to fulfil their part of the contract.

In a society driven by a work ethic inextricably bound to concepts of masculinity, an upper-class man's reincarnation as an invalid had to be carefully policed so that it neither laid him open to the accusation of idleness or femininity nor suggested the kind

[14] Commissioners of the Hospital for the Insane. Minutes. AOT HSD 4/6/1. Although a careful record of patient violence was kept in the casebooks, and there was a separate record of patients being isolated or put into straitjackets for violent behaviour, there is no mention of who may have kicked Gertrude Kenny. This suggests to me that it was one of the 'lady' patients; Eliza Frost, perhaps.

[15] Maria Frawley, *Invalidism and Identity in Nineteenth-Century Britain*, Chicago: University of Chicago Press, 2004, p. 33. I am much indebted to Frawley in this section.

of physical overwork or injury that might afflict his working-class counterpart. A discursive category of invalidism emerged that called for a diagnosis that would draw attention to his intellectual superiority and the extent and quality of his work. He could now suffer from 'brain exhaustion', as Dr Huston did when he complained of 'neuralgia' and exhaustion in the same breath as he enumerated the many years he had dedicated to public service. For upper and middle-class women, to whom this work ethic did not apply, at least in its visible form, the invalid could be construed as archetypically feminine. There was no greater exemplar of conspicuous consumption and non-production.[16]

But as Frawley points out, while it might have been acceptable for Florence Nightingale to submit to invalidism after exhausting herself in the Crimea, and by such means to be excused from social obligation, a similar 'voluntary sick role' would probably have failed if it had been adopted by a working-class woman. Even though, within medical discourse at the time, the natural state of the female body was construed as one of such precarious balance that invalidism was only to be expected, the bodies of working-class and non-European women were not endowed with such delicacy.[17] Being 'closer to nature' they were construed as having a greater facility for manual labour and childbearing.

If there is one area in which Frawley's otherwise impressive work falls down, it is that she does not adequately address the representation of the working woman as invalid: indeed the working classes generally are only alluded to for the purpose of exclusion. A kind of classlessness is suggested by the prominence of the category of invalid:

> the experience of invalidism might be said to have subsumed other determinants of identity. Individuals could declare themselves "invalid" (or be designated by society as "invalid") and know that that identity would then supersede other dimensions of their personhood.[18]

But I imagine Gertrude, — ambitious, educated and painfully class-conscious, — to have been well-versed in the representative power of invalidism.

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[16] Frawley, pp. 43-44, 50.
[17] Ibid, pp. 24-25. 'Nerves, ovaries, and uterus bound women in a stranglehold of sickness, unlike anything that men had experienced'. Frawley cites Janet Oppenheim's description of this discursive reasoning as the "theoretical merger of female nervous and reproductive systems". p. 49.
[18] Ibid, p. 12.

For Gertrude Kenny, sitting so uncomfortably between classes, and her identity and success bound up in her work – the very fact of which denying her a bourgeois status, not working conveyed two fundamentally oppositional meanings. On the one hand her 'idleness' projected her into a conceivable bourgeois subjectivity that would validate her invalid status: but on the other, as an idle working woman it reduced her either to a nonentity, or a malingerer. To successfully negotiate these conflicting expectations she had to project herself differently depending on whom she was presenting herself to at any given moment.

Gertrude Kenny's relationship with the nurses had to be negotiated within relatively uncharted territory. It bore some similarity with those forged between nurses and the upper-class asylum inmates. The authority and machinery that assured the privileged status of a member of the upper-class 'outside' was, Ladies' Cottage notwithstanding, exposed in the asylum; the dependency and vulnerability of the patient was laid bare and the nurses and servants, whose role as informants I have previously mentioned, assumed greater control.

Given that Gertrude Kenny's incapacity was, for the most part, believed to be temporary, she needed to retain the authority of her matron's cap. In it were invested the assumptions about the kind of person who would fulfil this role, a person who would organise and maintain order and discipline, whose marked difference in salary reflected the superiority and aloofness she was supposed to keep from the general company of the nursing staff. The physical intimacy that had to exist between nurse and patient, and the patient's vulnerability to pain and emotionalism made such aloofness virtually impossible. Added to the loss of authority evoked by her current vulnerability was the problem created for Gertrude Kenny by her absence from the daily running of the asylum. She had to witness her subordinates taking control of the Female Division. On the one hand, if things ran smoothly, her position could be exposed as unnecessary, and resented. On the other hand, if disorder prevailed, it would be difficult to impose discipline later when she resumed office.

Further complicating the nurse and matron/patient relationship was the historically embedded institutional attitude towards malingerers at the New Norfolk Asylum. In the last chapter I alluded to the practice of designating convict lunatics, paupers and invalids as either 'effective' or 'invalid'. In the vast grey area between the two lay the zone of the 'malingerer'. More recently, the sanity of inmates, unless they were 'ladies',

was gauged by their willingness and ability to work. But even without the particular genealogy of invalidism at the New Norfolk Asylum, the category of invalid was a contested one. As Frawley puts it:

> Competing cultural messages about suffering, its sources, and means of relief ensured that the invalid would occupy a fluid position within the Victorian taxonomy of illness and health. To the extent that invalids were thought to be convalescent and only 'semi-sick', they could be seen as moving along a continuum from illness toward the recovery of better if not perfect health. But an individual whose invalidism was "permanent", "confirmed", or "professional" might be seen to signify medicine's inability to cure or, conversely, the invalid's own resistance to recovery.[19]

A 'stigma of idleness' prevailed in the culture of the work ethic which, Frawley suggests, invalids themselves sought to counter by developing a work-like devotion to the spiritual niche allocated to them as they hovered uneasily between living and not living. But:

> If convinced of the invalid's capacity to access spiritual truths unavailable to the healthy, Victorians were equally compelled to regard the figure with doubt, and this ability to simultaneously embody competing claims of truth and fraudulence, and thus to express cultural anxieties about duplicity and the power of the imposter, helped to secure the invalid a powerful narrative and cultural position.[20]

The impossibility of successfully balancing these competing claims is brought to light in a statement made by Elizabeth Dobell, one of the nurses who attended Gertrude in April and May 1879.

> Mrs Kenny has at times been very ill. She does not obey Dr Macfarlane's orders and lies about it. When he comes she is in bed. Previous to that she is working away. She has her prayer book with her when she goes to bed. She behaves to me in a very unladylike way. I was compelled to leave her from the way she

[19] Ibid, pp. 30.
[20] Ibid, pp. 13, 38-39, 41.

> behaved towards me three times. She says she intends to become a Sister of Mercy.[21]

Given Gertrude Kenny's apparent commitment to High Anglicanism, many of whose adherents had, on their religious trajectory, converted to Catholicism, it does not seem out of character for her to announce her intention to join a sisterhood. But the cameo presented by Elizabeth Dobell also suggests that Gertrude Kenny invested considerable energy in representing herself as a religious woman – not to the nurse, in whose presence she wished to be seen as industrious, but to the doctor. Her investment in representing herself as virtuous to Dr Macfarlane, as will be discussed presently, went well beyond wishing to fulfil the image of the 'good' invalid, but the combination of helplessness (lying in bed) and religiosity nonetheless conforms to this ideal and it is one of which Gertrude Kenny would have been acutely aware.

The female subject predominated in the vast visual bank of invalid representations. She reclined or lay, on or in, fireside chairs, chaises longues, sofas and beds. She was accompanied or surrounded by anxious, but resigned, friends and relations, a perplexed doctor or a vicar preparing her for the afterlife. Her illness was signified by her position in the image, her wan face, her limp hands, and possibly an array of medicines on a nearby table. What was never made visible in these images was the manifestation of disease: the pain, the gore, the pus, the decay and the materiality of their tending. These were the domain of medical literature.

There was, then, an inherent contradiction between the desired subject position of the invalid and the knowing gaze of the medical expert that made the relationship between matron/patient/woman and doctor the hardest to negotiate. Both the privileged knowledge and the physical intervention of the doctor undermined the agency of the female patient. The authority of his profession, and his privileged knowledge of her body in crisis, created a relationship of dependency. And, although validated by, and

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[21] Evidence of Elizabeth Dobell, Commissioners' Enquiry, Colonial Secretary's Department, AOT CSD 10/72/1776. The apparent disjunction of the statement is in part due to its being made up of responses to unknown questions. The descriptions of this period of Gertrude Kenny's invalidism come from the subsequent Commissioners' Enquiry (cited above) and evidence collected for her trial from Gertrude Kenny herself, Drs Huston, Butler, Agnew and Clark, Nurses Dobell and Crosswell and archived under Solicitor-General's Department, Criminal Prosecution Files, AOT SGD/13/1/10. The power dynamics underlying the statements and proceedings will be discussed in the following chapters.

couched in, the dissembling language of professionalism, his visual and physical incursions into the most intimate parts of her body contravened taboos of social behaviour and sexual intimacy.

There can hardly be a better example of these potential and real frictions than those faced by Gertrude Kenny. The injury she sustained in March 1878, according to Dr George Huston, 'resulted in a tumour from the abdomen to vagina which afterward suppurated and became an abscess'. Dr Henry Butler, another of the at least eleven doctors who either saw or examined her between March 1878 and August 1880, located the 'abscess in the upper and posterior part of the bladder causing the stoppage of urine amongst other things … All these things [necessitated] manual examination'. Huston 'frequently saw the tumour and handled it' and 'had to use a catheter from the day of the injury daily' until he went to Melbourne in September 1878. These procedures, he said, were 'always conducted in as delicate and professional manner as possible'. In contrast to this portrayal of his own gentlemanly demeanour, he criticised Gertrude Kenny's unpreparedness to play her part as a good patient:

> In using the catheter I always had a good deal of trouble with her. I could never get her to be quiet and she was so fidgety that sometimes it was really a difficult matter to perform the simple operation. She would never let a nurse assist me but would tell them to turn their backs to her and I even had to hold the chamber utensil to receive the urine.

Huston had defended his use of the catheter as being the safest plan when Gertrude expressed her reservations, but he could hardly have challenged her complaint 'of being very much exposed'. She was not only stripped of her dignity in front of the nurses but also by the number of medical professionals who entered her cottage, her bedroom and her body, either spectrally or physically in the months after her injury was incurred.

Dr Clark, who must have been a locum or temporary Assistant Medical Officer, frequently accompanied Dr Huston on his visits to Mrs Kenny and suggested the treatment regime to be followed, 'which was principally hot hip baths and iron'. Huston 'gave her pills, aloes and sulphate of iron, one grain each twice a day'. These 'disagreed with her, acting too powerfully as a cathartic', and he said he told her to stop taking them. On 19th September, when Dr Holden took over from Dr Huston for a fortnight, Gertrude started applying the catheter herself and there was some indication that

urinary action was beginning to return, but the tumour itself was, according to one of the nurses, Kate Crosswell, 'very large', at this time. Huston returned from Melbourne on 29th September. He and Commissioner, Dr Butler, both examined Gertrude on 3rd October. Before leaving his patients in the charge of his newly appointed assistant, Dr Macfarlane, when he left for a more extensive trip to Melbourne on 30th October, Huston 'examined her fully abdominally and par vagina and thought she was going on all right', although 'she appeared very anxious about her state'. At this point the abscess was on the vagina but when he returned on 28th November, 'it had burst and nearly disappeared'. When Butler examined her in the presence of Commissioner, Dr Agnew on 7th December, he said the 'abscess had burst and was discharging. The remains of the injury were still apparent and the abdomen was exceedingly tender to and the pressure of the hand could cause shrinking and pain and exclamation'. He believed the discharge would have continued for some time 'through her private parts'. Agnew had also intended to examine her during this visit but 'when she refused to be examined in the way I wished I did not examine her'.

Edward Tilt, in his 1853 treatise on the diseases of women, provided the following advice to doctors undertaking internal examinations:

> The intestines and bladder having been previously emptied, the patient should lie on her back, with the head and shoulders elevated, and the thighs so placed as to form nearly a right angle with the body, the medical attendant should then ask the patient such questions as may divert her attention, and hinder the contraction of the recto abdominal muscles, which by the inexperienced have often been taken for tumours. The physician's hands ought also to be so warm, as not to excite reflex muscular contraction, and to render the sense of touch more acutely sensible … should he find a tumour he will study its peculiarities by varying the position of his hands … in order to ascertain the site, size, and connexion of the growth, whether it be fixed or movable, soft and yielding, hard, pulsating … or solid.[22]

The ascendancy of medical professionalism, which has already been discussed in relation to the treatment of the insane, was empowered by an all-encompassing 'analytic paradigm which concerns bodily geography and the techniques of

[22] Edward Tilt, *On Diseases of Women and Ovarian Inflammation; in relation to morbid menstruation, sterility, pelvic tumours, and affections of the womb*, London: John Churchill, 1853, p. 263.

observation'.[23] There are close analogies between discourses of reading, mapping and colonising in relation to land and landscape and medicine's reading, mapping and colonisation of the female body. In both cases the privileged knowledge enabled the protagonists to *own* this landscape, this body. The process of both engaged a discourse that was grounded in aesthetics *and* scientific observation. These were informed by tightly formulated concepts of perfection. The techniques of observation penetrated beyond the surface of the landscape/body. The cutting of canals and deep mining of the industrial age revealed paradigm changing geologies while in 1845 Protheroe Smith's new speculum design, in his eyes (and hands) at least, accomplished 'the object, never heretofore attained, of employing simultaneously both visual inspection and tactile examination'.[24]

The visual image of the female corpse emerges in the wake of the introduction of anaesthesia in surgical and obstetric practice.[25] Anaesthesia created a temporary corpse, a woman on and in whose body masculine reasoning could prevail without the disconcerting presence of personhood, those emotional expressions of pain, verbal outpourings, or 'fidgetiness'. There is no suggestion that Gertrude Kenny underwent any such operation but its widespread use altered the doctor/patient relationship. The reliance on doctor/patient interaction, that is an empathetic approach, was increasingly replaced by the scientific analysis of observed symptoms. Mary Poovey also argues that the anaesthetised and therefore silenced female body, the ultimate submissive woman

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[23] Bruno, p. 69.

[24] Sally Shuttleworth, 'Female Circulation: medical discourse and popular advertising in the mid-Victorian era' in *Body/Politics: women and the discourses of science*, eds. Mary Jacobus, Evelyn Fox Keller & Sally Shuttleworth, New York: Routledge, 1990, pp. 47-68, p. 63. Bruno demonstrates that the dominance of the scientific/aesthetic gaze and the relationship between observer and observed is clearly evident in the copious artwork produced in this period. Unlike the images of invalids which, in a sense, represent the failures of the medical professions, we have representations that depict the figure of the successful, prominent physician or generic medical professional demonstrating his scientific prowess to groups of observers. The female figure, the subject through which this prowess and power of reasoning is demonstrated, is revealed in the one branch of this genre stripped of decorum in dress and gestures, signalling the mental and, ergo, the moral abandonment that was represented as being barely contained by woman's inherently unstable body. The male gaze directed at this almost always young, female body is legitimated in the interests of science. But this veneer of scientific and aesthetic intent that unites the artist and his esteemed biographical subject, becomes dangerously suspect in the necrophilic imagery of medical professionals observing the naked female corpse. Here the female body is white, young and unblemished and, as Bruno has indicated, at least one version of such an image was mass produced and distributed for titillating consumption. Bruno, pp. 273-274.

[25] I am indebted to Mary Poovey for this argument on the medical construction of the female body, and the examples she presents. '"Scenes of an Indelicate Character": the medical "treatment" of Victorian women', *Representations*, no. 14, Spring, 1986, pp. 137-168.

[as the concept of Terra Nullius], became so devoid of subjectivity that it became the site of discursive brawling between medical professionals as they fought out contesting constructions of ideal womanhood and her place in society.

As a profession they assumed here the role not only of medical but also of moral arbiters. The widespread use of anaesthetics in childbirth triggered fears that the absence of pain would induce sexual pleasure; childbirth would become for women a sexual act 'in which their offspring would take the part of the excitor'.[26] With other procedures it was a fear that a woman's modesty would be stripped away and lead the medical professional into temptation.[27] Many aspects of these debates mirrored those surrounding the use of the speculum, whose wide-spread use in the compulsory examination of state-regulated prostitution in post-revolutionary Paris had already imbued it with wanton sexuality. At an animated meeting of the Royal Medical and Chirurgical Society Dr Robert Lee argued that they needed to weigh up the benefits of internal investigation against its violation of 'all the natural feelings of modesty of English women'. His colleague, Dr Ashwell, although supporting the procedure, said 'he could not help thinking that the use of the speculum, as practised by some medical men, amounted almost to a professional dishonour'.[28] The sometimes titillating anxiety that this tool would give the medical professional visual and physical access to women who 'belonged' to other men was accompanied by an anxiety that it had the potential to excite the sexual passions in the women themselves, indeed that it 'was avidly sought by women of all ages as a means of sexual gratification'.[29] Dr Brudenell Carter had:

> More than once, seen young unmarried women, of the middle classes of society, reduced by the constant use of the speculum, to the mental and moral condition of prostitutes; seeking to give themselves the same indulgence by the practice of solitary vice; and asking every medical practitioner, under whose care they fail, to institute an examination of the sexual organs.[30]

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[26] W. Tyler Smith (1847), cited by Poovey, "Scenes of an Indelicate Character"', p. 143.
[27] Poovey points to a short piece in *The Lancet* in 1854 about a court case in Philadelphia in which a doctor, who acknowledged he had had sexual intercourse with a female patient, was granted mercy 'as it seemed probable the young lady was labouring under mental hallucinations from the chloroform'. Poovey, ibid, p. 148.
[28]' Proceedings of the Royal Medical and Chirurgical Society, 28 May 1850; On the use of the speculum in the diagnosis and treatment of uterine diseases', *Lancet,* 8 June 1850, pp. 701-705, p. 703.
[29] Robert Brudenell Carter in Poovey, 'Scenes of an Indelicate Character', p. 155.
[30] *On the Pathology and Treatment of Hysteria*, London: John Churchill, 1853, pp. 69, 73.

Hysterical women, according to Carter, would also deliberately hold onto their urine so that the doctor would be induced a catheter.

This landscape, this territory that was the focus of attention for the doctors whose penetrative gaze scoped Gertrude, was the most mysterious, the most non-male part of her anatomy. It was territory, generically speaking, ripe for colonisation and control through the elaborate construction of privileged knowledge. In order to tame this territory, it was important to construct it as both dangerous and in need of domestication. As the antipathy of what it meant to be a man, it had to be imbued with all the characteristics that were deemed unmanly. As M L Holbrook indicated in his wonderfully named *Parturition without Pain: A Code of Directions for Escaping from the Primal Curse* (1870), it was 'as if the Almighty, in creating the female sex, had taken the uterus and built up a woman around it'.[31] It was the source of her unpredictability, her instability. George Man Burrows had already pointed out in 1828 that a woman was slave to her reproductive organs, and that menstruation was the 'moral and physical barometer of the female constitution'. And so 'from the dawn of puberty', Dr Millingen elaborated in his *The Passions: or mind and matter* of 1848, a woman was 'less under the influence of the brain than the uterine system'.[32] In a textbook on heredity in the mid-1850s interior organs were so tightly associated with womanhood that it was argued that this messy visceral body matter and emotionalism was passed on through the female line while the hereditary aspects of the man was vested in their clean skeletal structures and the ability to reason. Furthermore, the uterus as the centre of woman's being confirmed her domestic role. In his *The Sexes Here and Hereafter,* William Holcombe wrote in 1869:

> Mentally, socially, spiritually, she is more interior than man, she herself is an interior part of man, and her love and life are always something interior and incomprehensible to him … the house, the chamber, the closet, are the centres of her social life and power, as surely as the sun is the centre of the solar system.[33]

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[31] Cited in Carroll Smith-Rosenberg, and Charles Rosenberg, 'The Female Animal: medical and biological views of woman and her Role in nineteenth-century America,' in *Women and Health in America: historical readings*, ed. Judith Walzer Leavitt, Madison, 1984, pp. 12-27, p. 13.
[32] Cited in Shuttleworth, pp. 47, 55.
[33] Quoted in Smith-Rosenberg, p.14.

Although the uterus might undermine a woman's ability to function as a rational adult it was also of supreme importance to men. As W. Tyler Smith wrote in 1847 in *The Lancet*: 'The uterus is to the Race what the heart is to the Individual: it is the organ of circulation to the species.' [34] But if the uterus represents both the woman herself and her role in reproducing men of the future, where does that leave a woman whose uterus is diseased ?

Up until the day that Gertrude Kenny was kicked in the abdomen, the trajectory of her life, from the act of migration to the attainment of matronship at the asylum, indicates a marked determination to achieve autonomy. The life-threatening illness that followed the kick dealt this trajectory a severe blow. Gertrude Kenny had been stripped, physically and metaphorically, of the multiple layers of cotton and grenadine that normally screened the fallible female body. Moreover, she was also probed beyond the skin, within her body, into her most private parts – the private parts that defined her within the medical discourse of her probers, whose very probings within that discourse compromised her virtue. Her professional position was imperilled, not only by her inability to work, but also by these intrusive probings of doctors, commissioners and nurses and their witnessing of her abject state.

Although Gertrude Kenny would not officially start work again for some months, there is evidence that she undertook other tasks that were less physically arduous. In September 1878, for instance, when Dr Huston was away, two of the admittance histories recorded in the patient case books, normally transcribed by the doctor, were entered in her handwriting.[35] By December she was well enough to visit Hobart for a couple of days to see friends. She may have stayed, as she later would, with Mrs Eady who ran the Highfield House Hotel in Murray Street. It was a place that advertised its suitability for convalescence, and although its eleven bedrooms were on the spartan side, its public rooms were furnished for comfort with sofas and chairs, chess sets and bagatelle, and reminders of Home: a bust of Prince Albert, and a painting of Tilbury Fort, the last monument emigrants would see as their ships left the Thames for the open sea. [36] It is possible Gertrude visited Charlotte Dobson, the child she had adopted

[34] Cited in Poovey, 'Scenes of Indelicate Character', p. 145.
[35] 20 September: Adelaide Simmonds, 9; 21 September: Flora North, 72. AOT AB365/1/3.
[36] Burn & Son, *Auction Catalogue*, Mrs George Eady, Highfield Hall, Murray Street, Hobart-Household Furniture & Effects, 1886. AOT NS1885/1/36.

at the Girls' Industrial School is likely to have been in service and who would soon be married and have children of her own. She probably called into Albert Terrace. That week William Crowther was to reach the apex of his public persona and become Premier of Tasmania, the highest public office in the Colony.[37] Gertrude Kenny also went shopping – perhaps she was seduced by the luxurious offerings of her friend, Mrs Giffard: when she boarded the *Monarch* at Princes Wharf on 19th December, she was carrying a package containing a bolt of Grenadine which she hoped, with the assistance of one of the nurses and the New Norfolk dressmaker, Mrs Matthews, to have ready to wear during the festive season.

Back at New Norfolk she said she'd had a good time, commented on how well people thought she had looked and how she hoped she would be able to return to Hobart for Christmas.[38] Although 'still in delicate health' she was all set to resume her duties as matron on New Year's Day.[39] Nearly six months after this optimistic projection, on 7 May 1879, Gertrude Kenny was summoned to Dr Huston's office, where an exchange took place that would drastically alter the course of her life.

[37] On 20 December 1878, he was asked to form a cabinet. Fenton, p. 370.
[38] *Tasmanian Tribune*, 24 September 1879.
[39] *Mercury*, 29 July 1879.

CHAPTER TWELVE

ENTER FAMA

> What could Mrs Kenny have gained …? Nothing but an unenviable notoriety through having her name sent over the world and spoken of as evil by the public journals of the day which had prostituted their mission. What had the woman lost? The good name which, as the wise man said, 'was better than life', her purity; her power to support herself, as no one would give employment to an outcast. She had lost her all and with her present disorders could not be expected to live. Indeed it would have been a charity to give her a dose of poison. [1]

As Gertrude Kenny knew from her experience with the events surrounding the death of William Lanne in the Crowther household, Fama was fiercely active in colonial Tasmania. The sniff of a rumour and Fama's all-seeing wings were beating again; a driving force behind the momentous unfolding of events that dominated Gertrude Kenny's life in 1879, at the New Norfolk Asylum, in Parliament, in the Supreme Court and in the press.[2] But unlike the gentleman William Crowther's reputation, which he believed rested on the exploitation of the ontologised anatomy of another, it was Gertrude Kenny's own body that was under scrutiny here. Crowther could distance himself. Gertrude Kenny could not.

My inclination is to begin with a date: Tuesday, 6th May 1879. This was the day that a report of a scandal reached the ears of Walter Jamieson, Commissioner on the Board of the New Norfolk asylum. It is a date that is corroborated by others; a date that can be identified as the beginning of a sequence, a process, governed by the discursive hegemony of the state. It is the date that an unruly web of female narrative crossed gender lines and which, from that day forward, was taken in hand by men in powerful

[1] Byron Miller, *Telegraph* 27 September 1879.
[2] Neubauer, pp. 1-5.

positions. It was reined in, nailed down and reinterpreted for disciplinary action and the re-establishment of order.

But beginning with this date would, I feel, be colluding with the men who sought to shape the narratives. The *evidence* that I use has been 'reduced' to writing, formatted to conform to a particular discursive style, stripped, wherever possible, of 'irrelevancies' – those pieces of information that disrupt a narrative of legal argument and bring instead emotions and a complex network of relational histories into play. And so, although limited by the documentation available, I look to an earlier time without the precision of 6th May 1879 and nothing so definitive as a report, nor personified as Walter Jamieson, Commissioner; merely that there was 'common talk' among the nurses, a rumour circulating.[3] Rumour, Neubauer writes, is by its very nature a slippery thing, unverifiable. Rumour and gossip cannot be sourced to an originary author, nor even a single event, and they seldom enter the public record. They can, however, wield considerable power in the preservation of a community's norms and the ostracism of those who break its taboos. The anonymity of the sources can be part of their strength. A person desiring a particular suspicion or accusation to be aired can float it in a way that makes them the medium of the message without imposing on them the responsibility of being its source. Distribution is guaranteed. The rumour gains in momentum because it can operate as social capital, enhancing the status of the person who speaks and enabling the one who listens to renegotiate her position by transmitting and embellishing to the next person.[4] Nor, as the anthropologist Peter Lienhardt points out, need a rumour contain any literal truth but can,

> generally represent complexities of public feeling that cannot readily be made articulate at a more thoughtful level … The rumour has its associations much less in the field of logical thought than in the field of metaphorical thought.[5]

The 'common talk' pivoted on the physical appearance and moral rectitude of the Matron. Mrs Kenny was, 'they said', pregnant. By the time this rumour reached the ears of Walter Jamieson it had grown like an errant snowball, gathering to itself sundry detritus in the form of accusations, suspicions, and justifications. In the following months a quite extraordinary number of prominent men invested an equally extraordinary number of hours into unravelling, writing down, contesting and

[3] Kenny v. Huston, p. 7.
[4] Neubauer, pp. 120-122.
[5] Quoted in Neubauer, p. 168.

reinterpreting the several versions of what had happened. It is to the documents generated by an enquiry, a hearing, an investigation, a trial and a political crisis, that I have had to look at in order to piece together the elusive interactions that took place in 1878 and first part of 1879.[6] And so I will now turn to Jamieson's intervention which triggered the first recorded and witnessed confrontation.

The person who conveyed the scandalous report to Jamieson on Tuesday, 6th May was his mother-in-law, Sarah Huston, wife of the Surgeon-Superintendent. Although it is possible that she was the author of the 'common talk' and sought to distance herself from unseemly observation, it is more likely, in the light of subsequent events, that there was indeed common talk, fuelled by past and present resentments in the closed community of the Female Division of the asylum. Furthermore, the rumour had personal implications for Sarah Huston. What matters here is that she *believed* in Gertrude Kenny's pregnancy; not only that, she believed that it was her husband who had impregnated the matron.

The day after Sarah Huston's revelations to him, Jamieson approached his father-in-law at the asylum and communicated the substance of the report. Questioned later by Huston, Jamieson recalled: 'You received the reports in utter amazement; and said "it was an infernal and gross lie". You said you would stake your professional reputation that Mrs Kenny was not pregnant.' Jamieson did not reveal that the source was Huston's own wife until Thursday. At this point Jamieson proposed that he and Dr Huston should walk over to *Frescati* and ask Sarah Huston to confirm what she had told him. Although this was the Hustons' house, it was Jamieson rather than Dr Huston who went to collect Sarah and accompanied her to the drawing room. And it was not Sarah who spoke but Jamieson who presented her account. When she agreed with Jamieson's representation of what she had said, it was Jamieson again who took the initiative and

[6] This, and the following chapters, are based on the evidence taken down in the Commissioner's enquiry, Tasmania. Parliament. House of Assembly, *Kenny v. Huston: report and evidence*, Hobart: Government Printer, 1879); documentation for the trial R v. Kenny (Solicitor-General's Department, Criminal Prosecution Files. AOT SGD/13/1/10) and press accounts as indicated of R. v. Huston and R v. Kenny. The narratives in these documents sometimes agree, sometimes augment, and sometimes contradict each other – both between players and between documents. All are, of course, constructions, and the main players have a strong vested interest in representing very particular narratives. In order to piece together as coherent a chain of events as possible, I have fleshed a skeletal outline of points of agreement with identified different points of view. The variations that occurred between documents and over time will be discussed in the next chapter.

suggested that the three of them go to Dr Huston's office in the asylum grounds and call in Mrs Kenny.

And this was how, on Thursday, 8th May, Gertrude Kenny was summoned to the Surgeon-Superintendent's office in the turret on the boundary between the Male and Female Divisions. She recalled:

> I had no idea what I was wanted for. The message came to me and I went over. I was told that Dr Huston wanted to see me. On going into the office I saw Mr Jamieson, and Dr and Mrs Huston.[7]

She was immediately told by Sarah Huston to move to the other side of the room from Dr Huston and that there was to be no 'telegraphing' or 'signalling' between them.[8] Jamieson tried to take control of the situation by presenting in point format what he believed to be the substance of Sarah Huston's report of what Gertrude Kenny had told her, the same approach that he had used in the drawing-room at *Frescati.* In essence, it was:

> that Mrs Kenny had told her that Dr Huston had had improper intercourse with her; … that Mrs Kenny had told her that she was in the family way by Dr Huston; … that Mrs Kenny had told her that Dr Huston had promised to maintain and support her; … that Mrs Kenny had told her that Dr Huston had promised her (Mrs Kenny) that there should be no result … in fact, that he was to destroy the child.

Sarah Huston interjected several times, saying,

> that Mrs Kenny had told her that Dr Huston had behaved in a disgusting and improper manner at her bedside, that he was giving her stuff to procure a miscarriage or abortion, that she was frightened of the stuff she was taking, and that Dr Huston had promised under all circumstances to maintain, protect and support her … [and she] expected to be confined in about a fortnight or a month.

Mrs Kenny, according to Jamieson, protested and referred to 'Dr Huston's kindness, attention and consideration during her illness, that she had never received anything but

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[7] Mr Jamieson's and Mrs Kenny's evidence, Kenny v. Huston, pp. 7-9.
[8] R. v. Huston, *Mercury* 29 July 1879.

the greatest kindness from him and always so spoken of him'. Sarah Huston became so enraged at Gertrude Kenny's denials she threatened to strike her. When Gertrude Kenny conceded that Dr Huston had on one occasion 'been guilty of an act of rudeness', Dr Huston immediately responded: 'You have tempted me but I resisted you,' and then proclaimed: [9]

> I never had carnal knowledge with that woman, so help me God.[10]

After Gertrude Kenny refused to answer a direct question from Jamieson about whether or not she was pregnant, Mrs Huston threatened to strike Mrs Kenny, attacked her character, and said she should be turned out:

> Why did you come here tempting my husband? What have you done with the bastard child?[11]

During 1878, while Gertrude was bedridden, Sarah Huston had visited her regularly without, apparently, there having been any indication that anything untoward had occurred between Dr Huston and his Matron. [12] Via Dr Huston, Sarah Huston had extended an invitation to Gertrude to spend Christmas dinner, but Gertrude had declined. At the New Year's Ball held in the asylum, Gertrude said that she had seen Sarah Huston but only for ten minutes or so, and that she had not mentioned anything of Dr Huston's rudeness for two reasons: one was because 'she knew that lady lived in fear of her husband', and the other was 'in return for Mrs Huston's attentions during her illness'.[13] But according to Gertrude, on Sunday, 12th January, when Sarah Huston came to the Matron's Cottage for a more extensive visit she had, found Gertrude,

> very much depressed … She asked me various questions as to my being in debt. She said, "May I put a question to you? If you don't tell me now I will come back again; I never saw you in such a state." I answered, "Yes". She said, "Has the doctor been rude to you?" I said, " How can you ask me such a question?" Her reply was, "Because I know the man." She then, before I replied to her question, said "He was a very sensual man. He has had three children by a patient." I had not heard anything of Dr Huston's character before. I said, "When and where?"

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[9] Mr Jamieson's and Mrs Kenny's evidence, Kenny v. Huston, pp. 7-9
[10] Mr Jamieson's evidence, SGD 13/1/10.
[11] Mrs Kenny's evidence, Kenny v. Huston, p. 7.
[12] Mrs Kenny's evidence, SGD 13/1/10.
[13] R. v. Huston, *The Tasmanian Mail,* 2 August 1879.

> She said, "I will tell you more some other time." I had not replied to her up to that time. She said, "If you don't answer me I'll come back." I then merely made the remark, in reply to her question, " Yes," meaning that the doctor had been rude to me. She then put to one or two questions to me. I did not give her the particulars then. Before leaving she said she would not mention it to anyone; that she would be afraid to do so. I said I thought her remark unbecoming of a wife, and requested her not to visit me. Sometimes I get very much swollen, and Mrs Huston told me she was sure I would be in the family way.

Sarah Huston's recollection of this conversation concurs with Gertrude's in that only a 'rudeness' had occurred. The following statement was a response to cross-questioning by her husband:

> [Mrs Kenny] told me on that day that you had been rude to her. She did not say when. She did not fix a date. She said your rudeness took place in September. At our first interview she said it was merely a rudeness. I asked her in what way you had been rude to her. She hesitated. I asked her if she was pregnant. She said "No. Oh! Dear, no; matters have not gone so far." She did not explain how far matters had gone.

The two women spoke again a fortnight later. Gertrude Kenny thought she might have given Sarah Huston 'the full particulars' then. Sarah Huston, still under cross-questioning from her husband, said that Mrs Kenny had asked,

> If it could be possible she could be pregnant. She gave as the reason for asking the question that she remembered fainting the day the rudeness occurred, but she did not remember anything that had taken place. I asked her to tell me what really did occur. She never told me what had occurred between you [Dr Huston and Mrs Kenny]. When she told me she was pregnant she said she thought she was so from her increased size. She said when the infant is born the image of "yourself" [Dr Huston] what would be said then.

Three or four weeks afterwards, that is in late February or early March, according to Gertrude, Sarah Huston said she was sure Gertrude Kenny 'was in the family way', and had said to her, 'if you were a stranger and had just come up as Matron I would say you were pregnant.' When Gertrude refused to answer, Sarah Huston had said,

> If you do not answer me I will speak to a friend. I said you must not do so foolish a thing. Afterwards she mentioned Mr Jamieson's name. She asked me how Dr Huston had behaved during the week. She said the nurses had noticed my appearance; that it was common talk … She worked upon my feelings, and I was perfectly beside myself.[14]

Why the time lapse between Sarah Huston first suspecting the pregnancy and her approach to her son-in-law? During these four months it appears that she neither mentioned the pregnancy to her husband nor voiced to him her suspicions of his involvement. Another witness, though, intimated that Dr Huston had himself 'taunted her [Sarah] with Mrs Kenny'. Mary Ann Macnamara, one-time nurse at the asylum, said she had seen Sarah Huston at her gate in February, and that she had been weeping in distress. She had said 'the doctor was getting worse in his old age', that she was 'likely to be covered with disgrace in her old age', and that 'if things went on in this way she would have to leave'. This reported conversation would have taken place not long after Sarah Huston's initial questioning of Gertrude Kenny. According to Mary Ann Macnamara, Sarah Huston had said she 'had gone up to see Mrs Kenny a few days before, but did not think there was anything the matter with her, though, from what the doctor said, she had thought there was'. Mary Ann Macnamara's statement also confirms the assertion previously made by Gertrude Kenny that Sarah Huston regarded her husband with some trepidation. She stated that when Dr Huston challenged her about already having heard about Mrs Kenny from his wife, Mary Ann Macnamara had told him she had not. She had told this untruth, she said, 'to screen Mrs Huston from the doctor's anger. The doctor could be very angry.'[15]

For Sarah Huston the stakes were higher than the loss of her husband's affection to a woman twenty years her junior. Her status *was* that of her husband's. She was financially dependent on him, as well. The social embarrassment of a scandal would have an effect not only on her own relationship with her peers, but also on the marriageability of her single daughters. Even if Gertrude Kenny were not George Huston's mistress, if he were to acknowledge that she was to bear his child, there would be repercussions on the Huston household that were both personal and financial. Sarah Huston's reference to Gertrude Kenny's bastard child makes It is clear that Sarah Huston not only believed in Dr Huston's guilt, but also sought various means of

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[14] Mrs Huston's and Mrs Kenny's evidence, Kenny v. Huston, pp. 6-7.
[15] R. v. Kenny, *Mercury*, 27 September 1879.

resolving the threat herself. If the testimony of Gertrude Kenny and Mary Ann Macnamara can be trusted, Sarah Huston was persuaded, not only by the common talk and the Matron's increased girth, but also by her experience of her husband's past behaviour. The early questions Gertrude says she asked about debts suggests Sarah Huston might have been offering her an inducement either to procure an abortion or to leave the asylum. By May, when Gertrude appeared to be following neither of these courses, Sarah Huston would have been forced to rethink her strategy. If the 'rudeness' had occurred in September, if the pregnancy were a fact, then a birth was imminent.

With the possibility of containment rapidly disappearing, Sarah Huston had limited options for redress. A woman's access to the law was at its nadir in the mid-nineteenth century. The earlier ecclesiastical courts that had provided an arena for women to air grievances of slander and defamation and sexual misconduct had by now almost entirely given way to the civil courts whose legislation and processes largely excluded, condemned and silenced women. It was a woman's adultery that was censured rather than a man's. A wife's only form of redress was either through the appointment of an agent or representative, a man of sufficient authority and status to put a censuring process into train, or through the public humiliation of the other woman. Sarah Huston, in approaching her son-in-law was, in a sense, co-opting the second-in-command within her family, the person into whose household she would expect to be received should she ever become a widow. Walter Jamieson was a natural choice as her protector and the defender of family honour.

The outcome of the confrontation in the Dr Huston's office was to be a formal Commissioners Enquiry. After the altercation Walter Jamieson escorted his mother-in-law to the gates. Gertrude Kenny asked that he later come to the matron's cottage 'as a matter of even-handed justice'. Here she asked for the matter to be 'hushed up'; a request that contained within it a corollary that 'a matter' did indeed exist. But Gertrude's plea to Walter Jamieson fell on deaf ears. He said he could not hush up the matter: it was his duty to bring it before the Board and that he would do so.[16] Nine days later he again visited Gertrude Kenny at her cottage – this time with three other Commissioners, Drs Agnew and Butler, and William Tarleton. The meeting was brief, the Commissioners were in a hurry. According to William Tarleton, in the presence of these

[16] Mr Jamieson's evidence, Kenny v. Huston, pp. 8-9.

four men who were crowded into her small parlour, Gertrude accused Dr Huston, 'as her medical attendant, of having taken indecent liberties with her on various occasions'. And that 'on the last of these occasions she alleged the assault was committed'.[17] At the more formal Enquiry at the end of the month the charges were narrowed down to two: a slight rudeness after the Board meeting in July 1878 and a criminal assault in December. In July Dr Huston had come to her cottage:

> In the parlour he took a seat and called me to him and supposing it was for the usual medical examination I went. He kept me standing by him some time and took my hand in a not very gentlemanly manner. I stood for some minutes … "Am I not very rude?" He pressed my hand against his person. I felt very much annoyed at the time. He pressed my hand outside his trousers. Very shortly after that he left having attended to me. The next morning Dr Huston made some allusion to his not having slept and said to me, "haven't you an evil conscience?" That was the first time.[18]

Ironically, it was Huston's interrogation of her during this enquiry that elicited details of multiple occasions:

> You called me to you. You were sitting by the fire-place. I came and stood by you. You then took my hand and put it on your person. Before that you put your hand at my clothes in a very improper manner. You caught me standing by you for some time. You put my hand on your person after you stood up as well. You were sitting on a low chair. You took both my hands after you stood up and called my attention to what you were doing, saying "I can't help it." You behaved indecently to me on a previous occasion. You insisted on coming in late one evening against my will. I was not in bed, but had to lie down. When I got up and sat down you took my hand and rubbed it against you … Another time, one morning, you said I did not take sufficient nourishment. I said, "Do not send anything from your house." You said to me, "you cannot cook for yourself: you want me to cook you." You have at other times leant your hand on my pillow and kissed me and rubbed me about in a way I did not like. You have pushed me down on the sofa at other times.[19]

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[17] Mr Tarleton's evidence, R. v. Huston, *Mercury*, 25 July 1879.
[18] Mrs Kenny's evidence, CSD 10/72 1776.
[19] Mrs Kenny's evidence, Kenny v. Huston, p. 7.

Dr Huston acknowledged only one occasion but not any of those brought up by Gertrude Kenny. In October before he went on his second visit to Melbourne, he said Mrs Kenny had been in bed and he had examined her 'fully abdominally and par vagina'.

> She appeared very anxious about her state and took my hand in hers and begged me to tell her if she would ever get well again. She then threw her other hand over my right shoulder and to some extent pulled me towards her (I did not think libidinously) but I yielded for an instance to what I considered an embrace and clasped her around the waist. I immediately saw my error and said this is all wrong. I am very sorry but you should not tempt me and in less than two minutes I had left her room.[20]

It is, of course, impossible to know what transpired in Gertrude Kenny's cottage, but her desire to keep silent and her protestations of Dr Huston's kindness mirror reactions to sexual harassment that are still current. Indeed, Kim Stevenson argues that the current cultural and legal representations of complainants of sexual misconduct became crystallised in the mid-Victorian period.[21] Linda Brodkey and Michelle Fine in the 1990s, investigating the reasons graduate women were reluctant to complain of sexual misconduct by more senior academics, argue primarily that they desired to position themselves within the dominant discourse rather than as subjects of it.[22] Gertrude Kenny's period of illness had already made her body the subject of speculation and complicated her relationship within the asylum hierarchy. Her emphasis on Dr Huston's kindness suggests that she invested her future aspirations and security in his good opinion of her. Brodkey and Fine's graduate women spoke of the muddiness of their relationships with senior academics. There might be a mutual attraction or an affair might be born out of isolation and loneliness. But either a refusal to submit or the desire to break off sexual relations brought with it the fear of the loss of career opportunity and support; the fear of the woman that she would be blamed as either

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[20] Dr Huston's evidence, CSD 10/72 1776.

[21] Kim Stevenson, 'Unequivocal Victims: the historical roots of the mystification of the female complainant in rape cases', *Feminist Legal Studies*, vol. 8, 2000, pp. 343-366, p. 344.

[22] Linda Brodkey, and Michelle Fine, 'Presence of Mind in the Absence of Body', in *Representing Women: law, literature,and feminism*, ed. Zipporah Batshaw Wiseman & Susan Sage Heintzelman, Durham: Duke University Press, 1994, pp. 147-164, p. 151.

temptress, willing party, or liar; and the fear that institutional loyalties would rest with the professor.[23]

Dr Huston may well have been kind and was certainly attentive towards Gertrude Kenny during her illness. And it may well have been the first time in her life that such kindness and attentiveness had been bestowed upon her; its loss too high a price for a complaint whose most likely result would be to bring her own name into disrepute. But while keeping silent about sexual advances was possible, coitus carried with it the possibility of undeniable repercussions. When the Commissioners came to her cottage she did not fix a date for rape apart from it having occurred in December. When pushed to be more precise she pinned it down to Saturday, 21st December, two days after returning from her visit to Hobart. She said Dr Huston had visited her briefly on Friday to tell her that he had been asked by the Commissioners to report on whether she was well enough to resume work. He would need to give her a full examination the following day and he would need her to be in bed for it. In the statement she made when preferring charges against Dr Huston in July 1879 she described how on the Saturday he,

> Turned the key of the outer front door and let himself in … he opened the bedroom door and came in. When he first came in he shut the bedroom door immediately. He said "good morning" and remarked that he was very glad to see me looking so well and so much improved, and that there was no end of sympathy for me from those who knew me and from those who did not. Dr Huston walked to my bedside the right-hand side and remained standing for a minute or two [and] remarked that he would examine me thoroughly …' After talking for a minute or two he put his hand under the bedclothes, turned them down with his left hand a little way saying that he would first examine the tumour. He did so with his hand and with both his hands turned the bedclothes down in a moment and got into my bed. During the time he was standing by my bed the right-hand side I could not see what he was doing with his right hand. I did not know what he was doing. I saw him unbutton his waistcoat. He jumped into my bed very quickly indeed. When he jumped into the bed he pressed his face close against my face and his tongue was pressed against my teeth. While in that position he lay on top of me. I felt his weight and at the time felt almost suffocated. I saw then. I had sufficient time to see that his trousers were down

[23] Brodkey and Fine, pp. 156-157.

> and that his person was exposed. I saw that after he was in my bed. I had not noticed that before he got into the bed. Having got on top of me I could see on my left side that his trousers were down and I could see some portion of his person. While in that position lying on top of me he inserted his person into mine. That did not last many minutes … He remained with his person inserted in mine five to ten minutes I think. It seemed a long time. I tried to call out but I found it impossible to do so Dr Huston's face being pressed close to mind and his tongue seemed to be pressed against my teeth. With both my hands I endeavoured to push him off but found my strength was not sufficient. When he had finished he got out of my bed with his person still exposed. His trousers were hanging quite loose … I tried to call out but found it impossible to do so because when sitting on the side of my bed he laid his face close to mine and commenced kissing me in a sort of fashion. At this time I was very faint indeed. Dr Huston had caused me great pain by his unusual conduct. Dr Huston in seeing that I looked faint went to the mantelpiece and gave me some medicine I was accustomed to take … he said to me I think that he had grown very fond of me. He made some remark about his being tempted and that he could not help it. He then added that he was too excited to go through the building, that he must go out through the back and take a walk down the back street.

On Sunday,

> Dr Huston visited me about twenty minutes to three. He brought with him a basket of fruit which he put on the table in my sitting room or parlour. I did not speak to him when he first came in the room. He said what is the meaning of all this. What is this nonsense. Are you going to quarrel. I said yes most certainly. I called him a base man and upbraided him with his conduct the day before. I told him I should inform my friends as soon as I was able to walk or get outside the Asylum. He remained standing some minutes quite close to the sofa and remarked that his wife was coming over to see me. I said I will not see her – if I do I shall surely tell her what has occurred. He remarked you could not do anything so foolish and besides I would make it a caution to you if you mention it to anybody … I still threatened that as soon as ever I was able I would see my friends and tell them what had taken place. He said they will not believe you and if you take my advice it would be much better for you not to quarrel with

> me. He then again made some allusion to his having grown very fond of me. He said we never know when we might fall. He said he had been tempted a long while ago. In this room I was nearly or strongly tempted (I forget which word he used) to behave as I did on Saturday. He then said it would be much better for me not to quarrel with him, that he would declare if I did say anything that I was insane. I think I said no one would believe your declaration … I myself thought yesterday you were one of the insane when you jumped into my bed and behaved the way you did.
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> The patients at this time were waiting in the mess room for Dr Huston's to go in to read the service. I should have said I noticed that he had a book under his arm when he came in. He said he must go to read the service and said two or three times I am a nice fellow to go and do that. He said he must go as they were waiting for him and made another appeal to me to forget all about it and kissed me. He had previously asked me to kiss him. I did not do so. I tried to resist him when he kissed me. I was very weak. He pressed me and held me on the sofa. All the nurses and warders and patients were waiting in the messroom.

Three days after the alleged rape, on 24th December, Gertrude Kenny said,

> I was still unwell. I could walk a little by my garden fence. I could not go out my strength would not have been equal to it … When he came I told him I was in great pain … I then alluded again to what the consequences of his conduct on Saturday might be and again complained of his conduct. He had resumed his threat of declaring that I was insane that no one would believe my statement that he had many friends and that it would be much better to be friends with him. He said and I remember the expression "I'll stick to you like a brick". I thought it a very vulgar expression indeed … he asked me to go to him the next day [Christmas]. He said it was his wife's wish … I refused and said I would never darken his doors. I was not friendly that time with Dr Huston.[24]

As Kim Stevenson has pointed out, although nineteenth-century courts required rape complainants to report immediately, it was considered unseemly for them to initiate an

[24] Mrs Kenny's evidence, SGD 13/1/10.

inquiry.[25] But if Gertrude Kenny made no public complaint at this point, she did seek out one confidante and adviser: Lady Jamima Officer, wife of the man who had until recently been both the Chairman of the Board of Commissioners and the Speaker of the House of Assembly, and a woman of status who had known Gertrude for a number of years.[26] It was probably a few weeks after her first conversation with Sarah Huston that Gertrude Kenny visited the Officers at their New Norfolk residence, *Hallgreen*. She recalled:

> Lady Officer, when I first went in, said, "whatever is the matter with you? I thought you were getting on so nicely." I told her the trouble I was in, and asked her advice. I told her exactly, word for word, what had occurred as far as the one occurrence; and I told her that I had been so persecuted by Mrs Huston that I think I had better leave the Asylum as soon as I can get some other employment. Lady Officer left the room to tell Sir Robert, but returned shortly, saying she had not done so, and that she would take time to consider what should be done. She blamed me for not leaving the Asylum at once …, and for cloaking the matter up. She said she would not mention my name to Dr Huston again. I said he had been very kind to me during my illness, and on many occasions. She said I ought to forget his kindness now. She said I ought not to have told Mrs Huston. I explained how I did so, and she said I could not refuse to answer the question. I remained two hours and then left. Two or three days after she called upon me at the Asylum. She said she thought as I had not left the Asylum on the first day, I had better not say anything about it to anyone. Just tell him if he annoys you in any way that you have told me; but do not tell Mrs Huston you have told me. I did not tell Lady Officer of my apprehensions that I was in the family way. I said to her that I did not think that I was so.[27]

Lady Officer's decision not to tell Sir Robert can be seen in a similar light as Sarah Huston's decision to tell Walter Jamieson three months later: once the narrative crossed gender lines and became currency among men whose official positions emphasised their regulated imperial duty it was lost to the contextual, contingent, relational decision-making employed by the women. In Sarah Huston's case her

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[25] Stevenson, p. 361

[26] He had been Speaker of the House of Assembly since its inception. Both this position and Chairman of the Board of Commissioners were taken over by Henry Butler in 1877, when Sir Robert Officer retired. Gordon Rimmer, 'Butler, Henry (1821 - 1885)', *ADB*, vol. 3, pp. 315-316.

[27] Mrs Kenny's evidence, Kenny v. Huston, p. 7.

resolution to speak to Walter Jamieson appears to have been informed by her inability, as one subject to her husband's authority, to engineer a desirable outcome without a male representative. In Lady Officer's case her decision not to tell her husband may in part have been a desire not to embroil him in the Hospital's affairs – he had retired from public life, was no longer a Commissioner and was in poor health – but also a recognition of the way Gertrude Kenny's complaint was likely to be treated in the public (and masculine) domain. This position is reinforced by her concern about the lack of an immediate response by Gertrude after the attack, not only in staying on at the Asylum but also during the rape itself. In Lady Officer's statement to the Enquiry she said that when the Matron had told her that Dr Huston had jumped into her bed, Lady Officer had inquired why she had not screamed out? 'No, how could I?' Gertrude Kenny had responded. Lady Officer had asked again: 'Why did you not scream out; it looks as if you were a willing party.[28]

[28] Lady Officer's evidence, Kenny v. Huston, p. 9.

CHAPTER THIRTEEN

IN SEARCH OF A NARRATIVE

Given Lady Officer's response, and the fact that further time had elapsed when Gertrude Kenny was told by Walter Jamieson in May that he would not hush the matter up, she cannot have failed to realise the difficulties her narrative would face in a public arena. In the following week, as an enquiry became a certainty, both Gertrude Kenny and Dr Huston had to decide how they were going to construct their narratives. Huston rested his case on flat denial apart from the slight rudeness he said he had succumbed to when tempted by Gertrude, and he secured an active role in the enquiry process. Nonetheless, the stress of the exposure told on his health and he suffered from several attacks of neuralgia. For Gertrude this period was highly charged and her emotional turmoil severely affected her already fragile health. She suffered a relapse after the confrontation in the office. Although there was no investigation into the Surgeon-Superintendent's movements in the period between 9th May and 28th May, when the more formal inquiry began, the Matron's were closely examined. In the statement of senior wardswoman, Kate Crosswell, Mrs Kenny's search for a stable narrative is painfully exposed.

Kate Crosswell had seen Gertrude Kenny emerging from the office on the day of the confrontation. She was looking very unwell and Kate Crosswell asked her what was the matter. The Matron, she said, had told her she had been 'very upset by a scandal about her'.[1] After William Jamieson had come to the cottage and insisted that an inquiry be instigated, Gertrude Kenny left the Asylum and went to see Lady Officer again. She stayed there a couple of hours and had a meal with her.[2] On her return Gertrude was so exhausted by the walk that she sent to the mess room for Dr Macfarlane.[3] She asked him if he 'had noticed anything peculiar in her figure'. He said he had not but that it would not be 'etiquette' for him to examine her as she was Dr Huston's patient.[4] The following morning Gertrude Kenny felt very ill and sent for Dr Huston who arrived with Dr Macfarlane. Huston told her she would readily understand why he had not come

[1] Kate Crosswell's evidence, Kenny v. Huston, p. 9.
[2] Mrs Kenny's evidence, SGD 13/1/10.
[3] Emily Rainsford's evidence Kenny v. Huston, p. 9
[4] Dr Macfarlane's evidence, R. v. Huston, *Mercury*, 25 July 1879; CSD 10/72 1776.

alone, and formally handed her care over to his junior. [5] After Macfarlane had examined her and as they were leaving Huston asked him if he thought she was pregnant. 'That', Huston said, 'is the rumour'.[6]

Dr Macfarlane continued as Gertrude Kenny's medical adviser while she was at the Asylum and gave evidence that she had remained unfit for work, and that she was still unwell when the Commissioners' in-house enquiry began on May 28. During this time she was attended by Kate Crosswell, whose close proximity during Gertrude Kenny's weakened state made her witness to the latter's struggle for narrative cohesion. Gertrude strenuously denied the truthfulness of the evidence given by Kate Crosswell, and its veracity has to be understood in the light its being elicited in the presence of Dr Huston, Crosswell's employer, and subjected to his cross-questioning. It does, however, portray an all too believable process of a search for narrative stability.[7] In a less vulnerable state, Gertrude might well have decided to keep her own counsel rather than test different versions on someone whose loyalties were without question divided. Indeed, she appears later to have tried to take back what she said, by first denying that she said it, then saying she had been ill and had not known what she was saying and, finally, telling the wardswoman not to repeat anything she had said.

Kate Crosswell began her account, given on 29th May, with the day of the visit by the two doctors:

> She asked me if I had ever heard anything against Mrs Huston … She said that Mrs Huston had accused her of being pregnant, and by you [Dr Huston]. She also said that Mrs Huston was a very jealous minded woman, and jumped at her own conclusions … She told me repeatedly that Mrs Huston must have invented it. She said so on several days, and on several occasions during the day. I was with Mrs Kenny last Saturday. I was in attendance upon Mrs Kenny from three weeks ago up to last Saturday. During that time she spoke continually of being pregnant. During the first week she said she had been accused of being so, and about a week afterwards she said she was so. She said she was sorry that Dr Huston had been accused. That Mrs Huston had made the accusation. That state of things went on until the following Wednesday. On the Wednesday Mrs

[5] Dr Huston's evidence, SGD 13/1/10.
[6] Dr Macfarlane's evidence; Dr Huston's evidence, R. v. Kenny, *Tasmanian Tribune*, 25, 26 September 1879.
[7] Mrs Kenny's evidence, R. v. Huston, *Mercury*, 25 July 1879.

> Kenny told quite a different story. She said she was sorry she had wronged Mrs Huston by saying that she (Mrs Huston) had invented it. She said she was pregnant, and that she had told Mrs Huston so sometime back, and that Dr Huston was the father. She said she wanted to screen Dr Huston. She had done so as long as she could, and that she could do so no longer. [8]

Gertrude Kenny's earliest statement to Kate Crosswell suggests that she may initially have hoped that in return for screening Dr Huston he would indeed stick to her 'like a brick', pregnant or not. But once it had become clear that the Commissioners felt that the allegations warranted an inquiry there can have been no doubt in Dr Huston's mind that his own interests were best served by cutting all ties with Gertrude Kenny and denying the substance of the reports.

The question of Gertrude Kenny's pregnancy hung indeterminately over the entire proceedings. It drove the narrative and determined the manner of its unfolding. There was a rumour, Sarah Huston's certainty, Gertrude's fear of consequences, her refusal when asked by Jamieson to say whether she was or was not pregnant, the question both she and Dr Huston put to Dr Macfarlane. His answer that he did not think she was might have settled it had not Dr Crowther, in late September, ventured his professional opinion in court that the kind of examination Dr Macfarlane had undertaken on 9th May was too cursory to be dependable for establishing a pregnancy.[9]

When Gertrude was asked to fix an exact date for when Dr Huston raped her she said it was 21st December. Yet if she was responding to Mrs Huston's observation in January that she appeared pregnant and that this was the common talk of the nurses, she could not possibly have imagined that her increased size was the result of a rape a week or two previously. On the other hand, the month that Mrs Huston said Gertrude Kenny had hinted at a faintness, September, would have made it much more likely that she was beginning to show in January, and would explain Mrs Huston's determination to force the issue in May, only weeks away from the confinement she anticipated.[10] The discrepancy suggests that either there was more than one incident, or that Gertrude Kenny changed the date to meet the requirements of a valid charge of rape.

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[8] Kate Crosswell's evidence, Kenny v. Huston, p. 9.
[9] Dr Crowther's evidence, R. v. Kenny, *Tasmanian Tribune*, 28 September 1879.
[10] Mrs Kenny's evidence, Kenny v. Huston, pp. 7-8.

There are other indications that Gertrude at some point feared that she might be pregnant. This is borne out not only by the content of her comments to Mrs Huston, Kate Crosswell and Dr Macfarlane but, most importantly, by the fact that she made them at all. I cannot see how indicating that she might be pregnant could have brought her any benefit, unless she had an anxiety that her body would sooner or later reveal that she was: that she had been sexually active, either as the victim of rape, prolonged coercive sexual intercourse over several months, or as the 'willing party', as Lady Officer put it, in an adulterous affair.

Gertrude Kenny's disavowal of her pregnancy was not limited to the confrontation in the office and its immediate aftermath. In court at the end of July she again said that Sarah Huston's assertion that she was pregnant was false. On the other hand there is her own evidence at the end of May when she responded to Dr Huston's cross-examination.

> I did think that I was pregnant, and I told you so. You said I was not to be silly, that it was not so, that you would stick to me like a "brick." I said to you what will be the consequences of your conduct. You said there will not be any consequences. I had grounds for believing I was pregnant at first.

Dr Huston dismissed any suggestion that he might have known Gertrude Kenny to be pregnant:

> … she never, directly or indirectly, said one word to me that would have led me to suspect that she believed herself pregnant. I should, of course, have laughed at the idea, which up to the 7th May, the day Mr Jamieson first spoke to me of the report, had never entered my imagination.[11]

But further credence is given to the pregnancy by the shadowy allusions to its termination. Jamieson had certainly been under the impression that this was one of Mrs Huston's assertions. When he reiterated her statements back to her, asking whether it was true,

[11] Mrs Kenny's and Dr Huston's evidence, Kenny v. Huston, pp. 7-8, 13 .

> That Mrs Kenny had told her that Dr Huston had promised her (Mrs Kenny) that there should be no result? She said it was. "In fact, that he was to destroy the child."… that he was giving her stuff to procure a miscarriage or abortion …[12]

Mrs Huston in her statement to the enquiry said: 'It is true that Mrs Kenny told me that Dr Huston had promised that there should be no result.' But a couple of sentences later she said: 'Mrs Kenny told me that Dr Huston was giving her stuff to make her regular, not to procure a miscarriage'.[13] This is supported by Gertrude's statement that Dr Huston had given her pills 'to bring on the courses'.[14] Dr Huston admitted to having given her pills: 'I think it was sometime in September, before I went to Melbourne first'. He had prescribed them to her 'in consequence of certain symptoms indicating a probable return of uterine action.' Gertrude had not menstruated since her injury.[15] The pills were composed of aloes and sulphate of iron, consistent with his stated intentions, but also the ingredients of a common abortifacient .[16] When these pills acted 'too powerfully as a cathartic', Dr Huston said he told Mrs Kenny to stop taking them. Against this version comes the evidence of Margaret Yeoland, the gatekeeper, with whom, it has to be said, Gertrude was not on good terms.

> I was sent with a bottle of medicine to her by Mr Taylor [the dispenser]. I saw Mrs Kenny sitting in her bedroom holding her side. She said to me, "Who gave you that?" I said, "Mr Taylor". She took a bottle out of my hand and smelt the contents, and said, "That is all right; but I thought it might be something the other brute sent me before to destroy life, and because I did not he deserted me and sent his bully." [17]

In September William Giblin, representing Dr Huston, dismissed the possibility of the pills being abortifacients as absurd because it would have exposed him unnecessarily:

> It should not be forgotten that Dr Huston, if he so desired, after the alleged assault, could have, by the use of his medical skill, effected this purpose without

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[12] Mr Jamieson's evidence, Kenny v. Huston, p. 8.
[13] Mrs Huston's evidence, Kenny v. Huston, pp. 8-9.
[14] This could also be a euphemism for a miscarriage. Mrs Kenny's evidence, Kenny v. Huston, p. 7.
[15] Dr Huston's evidence, Kenny v. Huston, p.13; CSD 10/72 1776.
[16] See, for instance, Liese Perrin, 'Resisting Reproduction: reconsidering slave contraception in the Old South', *Journal of American Studies*, vol. 35, no. 2, 2001, pp. 255-274, p. 265.
[17] Dr Huston's and Margaret Yeoland's evidence, Kenny v. Huston, pp. 13, 11.

> […] Mrs Kenny knowing anything about it, and would have saved further trouble.[18]

Even with the extensive inquiries and court cases, there was never any suggestion of Gertrude Kenny having sexual relations with anyone other than Dr Huston, so the question of a pregnancy lies squarely within their relationship. So, too, does the question of Gertrude's protection of Huston and then her decision to no longer protect him. Her change of mind may have been triggered by his own response to the exposure. According to her, when she initially expressed concern about the consequences, 'He told me not to be so silly. I will always be a true friend to you. I'll stick to you like a brick. What I do will be for you.'[19] Sarah Huston's understanding was also that her husband would support Gertrude Kenny and she thought she had been told this in April. Mary Ann Macnamara produced evidence that corroborated this. She deposed that Dr Huston had made her a proposition. He would 'pay her handsomely' if she were to 'take a situation and go with a lady to Victoria'. He said the lady was nearing her confinement and it would be up to Mary Ann Macnamara to stay with her 'until it was all over'. At first he would not tell her who the lady was but later admitted that it was Mrs Kenny 'with whom he had got himself into a scrape'. Furthermore, 'unless he got her away Mrs Huston would drag her out of the Asylum'. Mary Ann Macnamara agreed to take the post but later Dr Huston had come back to her and told her the plan had fallen through 'as Mrs Kenny would come to no arrangement'. He was very agitated, saying, 'Mrs Kenny could not stay in the Asylum until the child was born, as it would be such an exposure'.[20] Whether or not Mary Ann Macnamara's statement can be entirely trusted, her narrative lays bare the reputational stakes that were in play.

Fama's trumpets were well blasted at New Norfolk and beyond that year, creating a discordant racket of truths and lies. They exposed an 'uncanny counterworld to the one structured by Augustine rule and administration', as Neubauer put it.[21] In a world of binaries, the cacophony could only be harmonised by assigning the trumpet of good fame to one – , and the trumpet of bad fame to the other player. An enquiry, two court

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[18] R. v. Kenny, *Tasmanian Tribune*, 29 September 1879.
[19] Mrs Kenny's evidence, Kenny v. Huston, CSD 10/72 1776.
[20] Mary Ann Macnamara's evidence, R. v. Kenny, *Mercury*, 27 September 1879.
[21] Neubauer, p. 46.

cases, parliamentary debates and the press would all battle to decide on the allocation, and therewith the narrative to be set down by Historia, the recorder.

At a special meeting of the Board of the New Norfolk Asylum the three men who had accompanied Walter Jamieson to Gertrude Kenny's cottage were appointed by their fellow commissioners to form a Committee of Enquiry. Rather than have the inconvenience of travelling to New Norfolk they determined to hold the enquiry in Hobart, using the special rooms in Parliament House that were at Dr Butler's disposal as Speaker of the House of Assembly. They were rooms in which these men would have felt entirely comfortable, – Dr Agnew as a fellow MP and William Tarleton as Police Magistrate and Commissioner of Charitable Institutions. It was also a place in which Dr Huston would have felt at ease, among the men with whom he fraternised, 'the genial host, so proud to ask his brother Commissioners to put their legs under his mahogany'.[22] The building was the symbolic epitome of patriarchal rule, the Speaker's rooms its most cherished heart, honouring the arbiter of reasoned debate. It was a place from which women were structurally and discursively excluded and within which their rare material presence was tolerated only as a way of reconfirming the values of bourgeois masculinity.

The enquiry was conducted over three days, beginning with an extensive examination of Gertrude Kenny on May 28, continuing with the questioning of witnesses the following day, and concluding with Dr Huston's rebuttal, presented as a written submission, on June 16. The three appointed Commissioners made much of the fairness of the enquiry and their adherence to legal principles.[23] Not only did this disguise the inherent question of whether the law in general, and Lord Hale's guidelines which the Commissioners chose to adopt in particular, were 'fair' but it also diverted attention from the many ways in which this enquiry did not adhere to legal process.

In the first place, although the Commissioners argued that they were applying standard rules for cases of rape, they were not dealing with an action that had been instigated by the complainant, as it would have been if an official charge had been laid. The evidence collected at the enquiry effectively nullified the possibility of a *tabula rasa* for any future official charge Gertrude Kenny might have wanted to, and did, lay. In the second

[22] Byron Miller, R. v. Kenny, *Mercury*, 27 September 1879,
[23] Commissioners to Colonial Secretary, 30 June 1879. CSD 10/72 1776.

place, Dr Huston, the person against whom the allegations had been made, was not merely present at the proceedings to hear the case against him but as an active interrogator of each of the witnesses.[24] His cross-examinations were frequently so aggressive that Commissioner Tarleton had to check him, although he was not there to do so during the earlier part of each day of the proceedings. All but two of these witnesses were Huston's employees and the other two his wife and son-in-law. Furthermore, Huston had been present at the special meeting of the Commissioners when the framework for the enquiry had been discussed including, presumably, the witnesses to be called. Dr Huston was, Commissioner Tarleton acknowledged, 'an old friend' whose hospitality he often enjoyed; 'on Board days they had Board dinners, at which Dr Huston was always present. No alterations had been made in that practice during the present proceedings'. Huston later admitted that while the investigation was going on he had spoken 'of the matter with one of the Commissioners, Dr Butler. Also with the other Commissioners Mr Tarleton and Dr Agnew, he might have alluded to it in conversation.' [25] Finally, the Committee accepted material evidence from Dr Huston after the enquiry had been closed.

It is unlikely that Gertrude Kenny had any idea of the structure of the enquiry before she turned up to it on the first day. Tarleton may have described it, as he did later, as an investigation into whether Dr Huston was fit to remain in office.[26] This was a far cry from the 'time-honoured precepts' of Lord Hale, the Commissioners said they were invoking, which turned much more on the character and behaviour of the complainant.[27] At the end of the first day she was so mortified by the interrogation and impugning of her character that she sought advice from the Crowthers and obtained legal counsel in the person of Charles Bromby, brother of Dean Bromby and son of the Bishop. It may have been Charles Bromby who at this point, after she had given her evidence, outlined Lord Hale's rules to her. She later said that she 'had instructed her counsel to write to the Commissioners, asking on her behalf that he might represent her in the Enquiry', but the Commissioners would not allow her legal representation.[28] Bromby advised her not to attend. The Committee pulled rank, arguing that Gertrude Kenny was still in the Board's employment and was therefore compelled to present

[24] Kenny v. Huston, *passim*.
[25] Mr Tarleton's and Dr Huston's evidence, R. v. Kenny, *Mercury*, 25 September 1879.
[26] Mr Tarleton's evidence, R. v. Kenny, *Mercury*, 25 September 1879.
[27] Kenny v. Huston, p. 3.
[28] *Examiner* 29 July 1879; *Mercury,* 25 July 1879.

herself to the Enquiry. They argued too that she, like Huston was at liberty to cross-question witnesses. She felt too ill and distressed to do so.[29]

The rules Lord Hale laid down and which were adopted by the committee were transcribed into their report as follows:

> the testimony of the party ravished is more or less credible according to the circumstances of fact that concur in that testimony. For instance, if the witness be of good fame; if she presently discover the offence and make pursuit after the offender; if the place in which the fact was done is remote from people, inhabitants, or passengers; if the offender fled for it; these and the like are concurring evidences to give greater probability to her testimony, when proved by others as well as herself. On the other hand, if she concealed the injury for any considerable time after she had an opportunity to complain; if the place where the fact was supposed to have been committed was near to inhabitants, or the common recourse or passage of passengers, and she made no outcry when the fact was supposed to be done, when it was probable she might have been heard by others, such circumstances carry a strong presumption that her testimony is false. [30]

Gertrude Kenny, reviewing her statement in the light of Lord Hale's rules, would have recognised the lacunae between the prescriptions for rape and her own narrative of events. She had been vague about the date, placing it, according to the transcriptions, as early December, which left a six-week gap between the rape and her reporting of it.[31] In fact, she told the Committee she could not fix the date because she had not intended to tell anyone except Lady Officer. Although there is no record of it in either the manuscript or the published version of her evidence to the enquiry, the report of the Committee indicates that Gertrude Kenny had fixed the date to 21st December. Without the specific context it is impossible to know whether she volunteered the date to reduce the gap or whether she was pressured to fix a date to give her testimony credibility and/or sustainability as a charge. The evidence submitted by Dr Huston, and accepted by the Committee after the enquiry had closed, was his alibi for the evening

[29] Mrs Kenny's evidence, R. v. Huston, *Mercury*, 29 July 1879.
[30] Kenny v. Huston, p. 3.
[31] Mrs Kenny's evidence, Kenny v. Huston, p. 6.

before the alleged rape, when Gertrude Kenny had said he had visited her to tell her to stay in bed the next day for a medical examination. For much of the day, Huston had been at Mr Shoobridge's annual strawberry feast at Bushy Park where he was surrounded by people he knew. He had not got home until 9pm.[32]

Gertrude Kenny's cottage could in no way be described as being remote from human habitation, and although Lady Officer had already warned her about the interpretation of her not screaming out, Gertrude made no attempt to suggest to the Committee that she had, or that there were reasons that she could not.

> I did not speak then that I remember, for I was very much distressed. After that he sat down on the side of my bed. I did not move away. I did not make an attempt to leave my bed. I was so astonished at his behaviour. I said afterwards to him that I had had a great respect for him, and he said "What now?" I said, " It is very wrong of you." He said, "It is but I could not help it," also that he had grown very fond of me during my illness.[33]

Stevenson has identified the second half of the nineteenth century as a period in which the requisite rape complainant was configured as an 'unequivocal victim'. She backs her argument with a discussion about the emergence of middle-class respectability, the intensification of women's sexuality as property, and the dominance of medical and legal discourse, in defining rape 'as a moral problem that tainted its victim more than her assailant'.[34] The construction of the unimpeachable victim was concomitant with an unprecedented interrogation into the moral character and private life of the victim.[35] Furthermore, the 'unequivocal victim' was paired with the construction of the 'deviant stranger rapist', creating a rape myth that reduced, in the public eye, the credibility or seriousness of rape committed by men known to their victims.[36] Gertrude's account of the aftermath of the alleged rape does not accord with a frenzied and violent attack committed by a perverted and, preferably, working-class thug, who is resisted vocally and physically by a terrified maiden. Nor did Gertrude Kenny represent herself here as an unequivocal victim. Rape, according to common law, could only be said to have been

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[32] Dr Huston's evidence. Kenny v. Huston, p.13.
[33], Mrs Kenny's evidence, Kenny v. Huston, p. 6.
[34] Stevenson, p. 349.
[35] Susan Edwards, *Female Sexuality and the Law: a study of constructs of female sexuality as they Inform statute and legal procedure*, Oxford: Martin Robertson, 1981. p. 22.
[36] Stevenson, p. 349.

committed if the victim could demonstrate physical damage to herself and/or a high level of resistance.[37] An absence of consent was no defence.

An unequivocal victim was a woman of unimpeachable respectability. She was 'virtuous, highly moral and sexually submissive', and provided she played this role she was promised masculine/state protection. But she was in trouble if the alleged rapist was respectable too, and not the deviant stranger. As Stevenson puts it, 'in the respectability hierarchy, male respectability outweighed female respectability'.[38] 'It is but just and right', the Commissioners wrote in their report, 'that the character and reputation of [the] persons should be brought into consideration as an important element in the amount of credence to be accorded to each of them'. Of Gertrude Kenny they said that they knew little apart from a character reference from Dr Crowther and the 'fair' testimonials she produced on her application for her position to the asylum, which led the board to suppose that she was, 'a respectable and well-conducted person' at the time.

> Dr Huston, on the other hand, is now drawing to the close of a long and honourable career in the public service, and has ever been esteemed in the relations of private life as an upright and truthful man; and we feel bound to submit that estimating the probability of Mrs Kenny's charge against him, his hitherto unblemished character should have its due weight.[39]

Although Gertrude Kenny was not represented by the Commissioners as a Magdalen, it was not only her sexual morality that informed the ideal victim category she needed to inhabit. Carol Smart, in her analysis of the gendering of law, has foregrounded the nineteenth century as unprecedented in its construction of masculinity as rational, objective and truthful: — ideals all present in Dr Huston in the view of the Commissioners.[40] As Roxanne Mykitiuk argues, 'the myth of the social contract and all it represented could only be sustained through assigning to women all that men were not'.[41] Femininity, then, was constructed by the law as emotional, subjective and passive; and one might say, in its sinister opposition to the masculine, naturally

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[37] Ibid, p. 352.
[38] Ibid, pp. 354, 359.
[39] Kenny v. Huston, p. 5.
[40] Carol Smart, *Law, Crime and Sexuality: law's power, the sexed body and feminist discourse*, London: Sage, 1995, pp. 78-82.
[41] Roxanne Mykitiuk, 'Fragmenting the Body,' *The Australian Feminist Law Journal*, vol. 2, 1994, pp. 63-98, p. 79

untruthful. [42] The Commissioners evoked Lord Hale's description of rape as 'an accusation easily to be made, and hard to be proved, and harder to be defended by the party accused though never so innocent'.[43] This construction of women as inherently untruthful has, as Stevenson points out, become embedded in legal discourse, legitimating assumptions that sexual offence complainants have a capacity for lying unmatched by victims of other crimes[44]. The interrogation of witnesses at the enquiry was primarily focused on the veracity of Gertrude Kenny and away from the behaviour of Dr Huston. The evidence of Kate Crosswell in particular, but also that of the other witnesses in Dr Huston's employment, so damaged Gertrude's narrative that the Commissioners came to the conclusion that:

> Upon a calm and impartial review of the whole of the surrounding circumstances connected with the statements of Mrs Kenny, that they are such as "to carry a strong presumption, that her testimony is false," and that the charges she has preferred against Dr Huston are also false and without any foundation.[45]

The verdict of the Commissioners, that the charges against Dr Huston were false, conceals Huston's own admission of sexual misconduct. Sheila Duncan's argument that the limitations of the definition of rape (defined as violent, resisted and with unknown assailants) creates a large grey area of legitimised non-consensual sex is indicated in the Commissioners' conclusion. Their interpretation of the complaint was that there was a main charge, 'analogous to rape…in which indeed the others, from their comparative insignificance, may be said to merge'. [46] By conflating Gertrude Kenny's account of a series of incidents of sexual misconduct into one charge of rape which did not conform to Lord Hale's precepts, the Commissioners were able to dismiss her case and absolve Dr Huston not only of rape but of any impropriety.

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[42] Smart, pp. 78-82.
[43] Kenny v. Huston, p. 3.
[44] Stevenson, p. 358.
[45] Kenny v. Huston, p. 5.
[46] Sheila Duncan, 'The Mirror Tells Its Tale: constructions of gender in criminal law,' in *Feminist Perspectives on the Foundational Subjects of Law*, ed. A. Bottomley, London: Cavendish, 1996, p. 176; Kenny v. Huston, p. 4.

Fama had no grey trumpet at her disposal and, although the enquiry had been 'in-house' and private, nor was she of a mind to close the eyes beneath her wings and refrain from trumpeting at all. 'This case has been the subject of public talk for some time past,' wrote a columnist in a northern paper.[47] Dr Huston's virtue could only triumph at Gertrude Kenny's expense. The Commissioners prepared their report for the monthly meeting of the Board on 5th July at which the motion was passed 'to take immediate steps to relieve Mrs Kenny of her duties'.[48] Gertrude Kenny anticipated the Commissioners' findings and the Board's response. She had left the asylum on 1st July and on 4th July paid a visit to Police Magistrate, Dr Robert Blyth, before whom she laid an official charge against Dr Huston, that he 'violently and against her will feloniously did ravish and carnally know her'.[49]

Given the disastrous process and outcome of the enquiry, Gertrude's preparedness to submit herself to the ordeal of further interrogation and increased public exposure can be understood in several ways. First of all, the situation she now found herself in was untenable. Her character had been contaminated by vocalised sexuality and accusations of untruthfulness; and her employability had been minimised not only by the fact of her illness, but also public knowledge of it. Furthermore, whether driven by desperation or a desire for a broader justice, it is likely that her action was informed by the narrative possibilities and outcomes represented in the abundant fictional representations of trials both in melodrama and realist novels of this period. Gertrude's literacy, as indicated in the few pieces of writing that are extant, and the language she uses in her self-representations, indicate a familiarity with this genre, and both the Cottons and the Crowthers were members of Walch's Circulating Library.[50] Hilary Schor, who has made a particular study of the court scenes of Elizabeth Gaskell, George Eliot and Walter Scott, argues that what 'these trials show most clearly is not the power of law but the "heart" of the heroine who through her testimony opposes her credibility to the false legalism of the trial.'[51]

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[47] *Tasmanian*, 26 July 1879.
[48] CSD 10/72/1776.
[49] SGD 13/1/10.
[50] Walch Papers W1/9, University of Tasmania Archives.
[51] Hilary Schor, 'Fictions of Law: show-trials: character, conviction and the law in Victoria fiction', *Cardozo Studies in Law and Literature*, vol. 11, Winter 1999, pp. 179-194, pp. 182-183. The influence of legal fiction on lay understanding of the law was considered so endemic that John Wigmore drew up a list in 1900 of over 150 novels written over the previous 60 years, arguing that at least some of them were essential reading for lawyers so that they could see 'the law and

But before the rape hearing and its potential to clear her character, Gertrude Kenny was subjected to yet another ordeal. On July 9, a few days after laying the charge against Dr Huston, she and a companion, Lucy Grant, travelled to New Norfolk to pack up Gertrude's belongings at the Matron's Cottage. Shortly after five o'clock, Lucy Grant recalled, a row commenced:

> Men – women – about fifty I think in number – had a drum – tin whistle – bells – and the flag hoisted on a pole. They then brought out an effigy of a woman on a pole, or poles, and set fire to it amid screaming, howling, groaning and hisses.[52]

When the cabman arrived to pick the two women up so that they could catch the evening express train he found the riot in full swing, the racket so intense he was afraid for his horse. When Gertrude opened her cottage door to him, Lucy Grant recalled her saying: '"If Dr Huston and Dr Macfarlane are here … they ought to protect a lady."' To this 'several shouted out – "a lady indeed – a lady!" and made a dreadful noise, yelling, laughing and shouting'. The cabman remembered Mrs Kenny saying 'she would not come out that night, she was in danger of her life'.

Although this was by far the most spectacular and frightening occasion, it was not the first tinkettling Gertrude Kenny had been given. There appear to have been at least two previous occasions. The first may have been on the evening of Friday,23rd at about the time Gertrude is reported to have told Kate Crosswell she could no longer '*screen*' Dr Huston. [53] The second, on 1st July, was a couple of days before the Enquiry findings were passed by the Board.[54] The women who appear to have orchestrated the demonstrations had negligible institutional powers, and were drawing on traditional rural rituals associated with skimmingtons as a way of enacting forms of social control and re-establishing normative codes of behaviour – much in the same way as the Rebecca Rioters in Wales had done.[55] The earlier rough music may have been spontaneous. This time, though, there was evidence of considerable planning: creating the straw figure, seeking out appropriate clothing, timing the parading and igniting of

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its working as they appear to the layman'. 'A List of Legal Novels', *The Brief*, vol. 2, January 1900, pp. 124-127, p. 124.

[52] CSD 10/1/73/1801.

[53] Emily Rainsford, Kenny v. Huston, p. 10.

[54] *Mercury,* 25 September 1879.

[55] Olwen Hufton, Olwen H. Hufton, *The Prospect before Her: a history of women in Western Europe*, New York: Alfred Knopf, 1996, pp. 463-4.

the figure to correspond with both the maximum audience of nurses and patients, *and* the emergence of Gertrude Kenny and Lucy Grant from the cottage, who would have to move through the mob to leave the asylum. The burning of Gertrude Kenny's effigy was both a profound focus on the live woman and her symbolic annihilation. It was, in a metaphorical sense, an act of murder that required of its victim that she should be a witness; that she should suffer not only of their approbation, but also with knowledge that she was being expunged – that for this community she was annihilated, she no longer existed.

CHAPTER FOURTEEN

'WOULD A LADY BITE A GENTLEMAN?'

The hearing of the charge against Dr Huston was held at Hobart's Supreme Court. Situated some distance from the town centre, this building was a converted church, the courts entered through the narthex. In a colony where the absence of an established church precluded ecclesiastical courts, [1] this symbolic merging of divine and man-made law may have brought to proceedings an anticipation of a legal narrative that 'imitate[d] the divine narrative in which God reveals the truth to men,' [2] a construction of law that had greater resonance for the eighteenth century than in the age of Victoria when rationalism was presumed to prevail but which, nonetheless, frequently entered the rhetoric of barristers. The building was also a stark reminder of Tasmania's penal past. Not only was it part of a large gaol precinct housing many of the recidivist Imperial convicts evacuated from Port Arthur after its closure, but one of the courtrooms still contained coffin-sized punishment cells of the early period beneath its banked seats. With the evocation of divine judgment from above and hellish punishment below the stakes were high, and a conviction in the Supreme Court carried a certain sentence of incarceration within the walls of this precinct.

At considerable cost to the government a special magisterial officer, Commissioner Whitefoord, was brought down from Launceston, 200 miles away. Two other men sat with him on the Bench: one was Mr O'Boyle, the Court Recorder, who had also taken down the evidence of the enquiry; the other was Dr Robert Blyth JP, William Crowther's brother-in-law, with whom Gertrude Kenny had laid the charge. The accused, Dr Huston, was allowed to sit near his counsel (and also Leader of the Opposition), Mr William Robert Giblin, who was instructed by Mr Curzon Allport, another of Huston's sons-in-law. The case was heard behind closed doors in the presence of the three

[1] James Crawford, and Brian Opeskin, *Australian Courts of Law*, Melbourne: Oxford University Press, 2004, p. 17.
[2] Susan Sage Heinzelman, 'Guilty in Law, Implausible in Fiction: jurisprudential and literary narratives in the case of Mary Blandy, Parricide, 1752,' in *Representing Women: law, literature, and feminism*, ed. Susan Sage Heinzelman, Durham: Duke University Press, 1994, pp. 309-336, 322.

Commissioners who had undertaken the enquiry, private friends of the parties, legal representatives and members of the press.[3]

The hearing was conducted over three days. Gertrude's counsel, Charles Bromby, opened the case for the prosecution with a statement that emphasised his fraternal relationship to fellow professionals. According to the Hobart *Mercury* he said that he, 'as counsel felt very deeply the responsibility cast upon him in conducting the case': Dr Huston being 'a gentleman very well-known in the colony, and he believed, also very much respected by all who knew him.' He proceeded to talk about the high character of Mrs Kenny, her injury, Dr Huston's attendance, the assault, her complaint to Lady Officer, the enquiry and the quality of its record. He then called Gertrude as witness. She remained on the stand all day with intensive cross-questioning from Giblin until, at the end of the afternoon, she became so tired and confused the hearing was adjourned until ten o'clock the following day, when she again took the stand until 1 pm. In the afternoon her evidence was read back to her for her signature. The only witness called by the prosecution was Dr Crowther who took the stand briefly, giving Gertrude Kenny a character reference and also, like Bromby, appeasing his professional brethren. There existed, he said, no ill-feeling between himself and Dr Huston, 'on the contrary, the last time they met on 1st March, in the House of Assembly, he met Dr Huston as a friend, and believed he still regarded him as such'.[4]

As a woman, Gertrude Kenny was excluded from this comfortable brotherhood. She was, furthermore, a legal anomaly and her presence in court unsettled their liberal discourse. Mykitiuk has argued that, coming from a philosophical tradition that privileged mind as the primary attribute of personhood, 'the structures and practices of liberal theory have been founded on the conception of person with an absent body'. But while 'the body and the experience of embodiment … [have] been absent from the defining characteristics of personhood', the body itself has not 'been absent from western philosophical and legal discourse, and most certainly is not absent from its effects'. It is with some irony that she points out that a 'corporation enjoyed the legal status of a person at the same time that aboriginal peoples, women and Blacks did not … [and it was] the very embodiment that deprived them of legal personhood and the

[3] *Mercury*, 26 July 1879.
[4] Ibid, 29 July 1879.

concomitant rights protected and guaranteed by such a status.'[5] As Gertrude Kenny stood in the witness box, her gendered embodiment, dressed and accentuated to meet the dictates of Victorian femininity, served to remind them of her otherness. Nor could she cloak that body through speech; the story she had to tell unclothed her. It filled the courtroom with an image of a sexualised encounter, begging embodied, subjective questions of the male audience as they followed Dr Huston's hand sliding beneath the bedclothes: 'What would *those* lips be like to kiss? Would *I* have found *that* woman irresistible? Could Dr Huston, one of us, *really* have desired the leaking, disfigured body contained within the folds of that black grenadine?' Gertrude Kenny in the witness box exposed the vulnerability of the notions of disembodied reason and civilisation these Victorian gentlemen craved, and confronted them with their own desires.

The onus on Gertrude Kenny was to prove herself worthy of these men's protection; to somehow raise their consciousness above the bedclothes so that they could see her as an idealised figure, more a china figurine smashed than a violated, and therefore contaminated, flesh and blood woman.[6] Although her very presence in the witness box, the fact that she had brought a charge – was, indeed, a protagonist and had thereby transgressed gender boundaries – she needed to perform a femininity that required her to be modest, retiring, truthful and respectful. On oath she was required to speak 'the whole truth and nothing but the truth' which was, as Janet Malcolm points out, 'a demand that no witness can fulfil, even with God's help'. Such a demand,

> runs counter to the law of language, which proscribes unregulated truth-telling and requires that our utterances tell coherent, and thus never merely true stories. This law – with its servants ellipsis, condensation, presupposition, syllogism – makes human communication possible.[7]

In the courtroom, Shani D'Cruze argues, the ostensible accuracy or truth of evidence was defined by a chronological unfolding of events whose veracity was further fortified by detail. The narrative gained strength as witnesses corroborated, reinforced, defined and enlarged on the complainant's original text.[8] Furthermore, the plausibility and impact of the story depended on it conforming to known paradigms. This time Gertrude

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[5] Mykitiuk, pp. 78-80.
[6] Stevenson p. 356.
[7] Janet Malcolm, *The Crime of Sheila McGough*, London, Macmillan, 1999, pp. 3-4.
[8] Shani D'Cruze, *Crimes of Outrage: sex, violence and Victorian working women*, DeKalb: Northern Illinois University Press, 1998, p. 155.

Kenny was aware of the framework within which she would need to structure her narrative if her charge was to have any possibility of going to full trial. She would have to tell a tale that followed a pre-scripted trajectory with herself positioned as a character who acted in accordance with accepted rape myths.

Gertrude Kenny began her testimony by establishing her credentials and herself as an injured party. She was, she said, a married woman and a matron at the New Norfolk Hospital for the Insane, and it was here that in March 1878 she had 'received a very severe injury'. She ended it by emphasising her modesty and submissiveness towards her social superiors by telling the court that after the rape, as soon as she was able to walk, she had requested an appointment with the President of the Commissioners, Sir Robert Officer, and that it was on Lady Officer's advice that she had taken no further action. Within the body of her testimony she plugged the gaps that in her original evidence to the Commissioners had made her an unreliable rape victim; one who had not sufficiently resisted and been too tardy in reporting the crime. In her narrative before Commissioner Whitefoord she made sure that there had been no people about to whom she could have called for help: Dr Huston had come at a time when 'the nurses and wardens and patients were waiting in the messroom', he had 'shut the bedroom door immediately' he came in, the blinds were down, and her servant was out. She gave reasons why she had been unable to call for help: Dr Huston's face was pressed close against hers and his tongue against her teeth making it impossible for her to cry out. She had resisted him, she said, by using both her hands as she 'endeavoured to push him off,' but found 'her strength was not sufficient'. She had not sought help immediately because she was 'very faint indeed' and unable to get up until the next day. She had not been friendly with Dr Huston after the assault; had not been a willing party. When he came back she had upbraided him and told him she would tell her friends as soon as she was well enough to leave the asylum, but he had threatened to declare her insane if she told anyone and that, anyway, no one would believe her statement. In spite of these threats she had spoken to Lady Officer as soon as she had been well enough to do so.[9]

No further witnesses were called to corroborate her evidence. The only other witness for the prosecution was Dr Crowther who took the stand in the late afternoon of day

[9] SGD 13/1/10.

two, after Gertrude had been subjected to many hours of cross-questioning by Dr Huston's counsel. He had been sitting in front of the reporter's box and manifesting 'an interest that would not have been expected from an ordinary onlooker', and interrupted proceedings, calling for a cushion and a more comfortable chair for Gertrude. Crowther had been subpoenaed as guarantor for Gertrude Kenny's character. The *Mercury* was scathing about this calling of a witness to vouch for the character of another; such witnesses being reserved for the defence rather than the prosecution.[10] Why would the prosecution need a character witness for its main witness, given that it was the defendant who had been accused of the crime? But of course the whole trial was driven by what Kim Stevenson has called the 'respectability imperative'.[11] And it was precisely the intention of the defence to destroy the character of the prosecutrix: to undermine her testimony by bringing into question her moral integrity and truthfulness.[12]

Apart from Gertrude's signed deposition, I have had to rely on newspapers for the reports of the trial which, although detailed, are selective and very seldom indicate the questions being asked. Furthermore, my understanding of this trial is not merely hampered by the absence of a full transcript, but also because although I might understand the structural dynamics of the court, I have no access to the way they were acted out. Nuances, facial expressions and glances between these professional men, all contributed to the process of the trial and the way in which Gertrude Kenny and George Huston were able to project themselves. Wendy Larcombe has looked in detail at how the structure of defence questioning of rape victims can, and here she quotes G M Matoesian, 'destabilise and discredit virtually any account'. This is made possible because 'the defence counsel is … empowered by the organisation and rules of courtroom to control the flow and nature of talk'.[13]

If the plausibility of Gertrude Kenny's testimony was maintained through its adherence to both chronological telling and story points appropriate to a rape narrative, then its dissolution was most effectively executed by cross-questioning that played havoc with the chronology and unsettled the witness into self-contradiction. Giblin opened his

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[10] *Mercury,* 26, 28 July 1879.
[11] Stevensen, p. 356.
[12] Wendy Larcombe, 'The `Ideal' Victim v. Successful Rape Complainants: not what you might expect', *Feminist Legal Studies* 10, 2002, 131-148, p. 134.
[13] Ibid, p. 141

cross examination with a request for Gertrude Kenny to confirm the date of the rape. Her response, according to the *Mercury* was as follows:

> She had no doubt whatever as to the date on which the assault occurred, it was Saturday, the 21st December, that she was quite sure. After seven months she had had to consider the question. She was only assaulted once. (Mr Giblin putting this question: "if it occurred at all, it occurred that day"; the witness at first said she would not go as far as that. Being pressed, she declined to reply to that question. The Commissioner said he thought it was almost a logical sequence.) Witness continued that nothing could alter her mind as to the date; and that when the Commissioners asked her as to the date, she said it was in December.[14]

The inference here that so unsettled Gertrude, the 'if it occurred at all, it occurred that day', did so because of the way it nullified her overall experience if the forensic detail was found to be faulty.[15] If the date could be proved wrong, then any further examination as to whether Huston had committed rape and/or other sexual misconduct would be pre-empted. By this means, Huston's innocence would be proved by demonstrating Gertrude Kenny's unreliability. In Giblin's speech for the defence, his language indicated that such unreliability was endemic to womanhood:

> it would be curious to know, if one could follow the secret workings of a woman's heart, why she fixed upon the date.

It was not without reason, he said, that he had pressed for this date,

> he had an object in view, for that Providence which they believed watched over human affairs had, he believed, placed within reach such evidence as would clearly demonstrate how utterly worthless Mrs Kenny's testimony was.[16]

Such evocation of Providence, Susan Sage Heinzelman has argued, reinforced,

> the general condition of all women arraigned at the bar of, not merely human, but divine justice. Thus God's intervention in human affairs generates the true

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[14] *Mercury,* 29 July 1879.
[15] Hélène Cixous refers to bloodless crimes: 'the man kills the woman, not physically, but mentally, spiritually, in every way, but these are usually not considered crimes by the law; the victim feels killed, but she is not allowed to say it'. Fort, p. 435.
[16] *Mercury*, 29 July 1879.

> and single narrative of human history, one in which Eve embodies female deceit.

By invoking God as witness he was availing himself 'of a narrative that is invested with all the authority that theological-jurisprudential rhetoric contains'. [17] It brooked no argument. Against such narrative authority, Mrs Kenny's account, Giblin argued, 'dissipated into thin air', but he was not willing to leave his defence entirely to the divinity.[18]

Giblin was a skilled operator, determined to use every means possible 'to tear in tatters the figments this woman had invented and come here to swear'.[19] Larcombe refers to Alison Young's argument that one of the methods used by defence counsel to undermine rape victim testimony was to enter into her story 'only to destabilise and expose it as inconsistent, improbable, far-fetched'.[20] Not only did Giblin have God within his armoury, he also had ridicule. It was not enough that Gertrude's mouth had been covered:

> Mrs Kenny had been scandalised because they had supposed that a woman in defence of her virtue would resort to any and every weapon with which nature had furnished her. "Did you bite?" He had asked her, and what had she replied? She was horrified. "Would a lady bite a gentleman?" she replied. Good God, that a woman should trifle with a subject like that, and tried to make them suppose that a virtuous woman stopped to think if it was a ladylike action.[21]

Not only did such an attack invite the collusion of court in perceiving Gertrude Kenny as an illegitimate complainant because she had not sufficiently resisted her rapist, but it also denied her class legitimacy; her very real desire to be perceived not just as behaving like a lady but as being a lady. It was a desire that may well have informed her earlier lack of complaint, her not crying out, her shielding of Dr Huston, all the points which now damaged her testimony. Ridicule and mockery were primary weapons of exclusion. In this heyday of *Punch,* the image sketched by Giblin could be immediately imagined as caricature and enter entertaining currency among his peers in the court, the clubs and in the press.

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[17] Heinzelman, p. 322.
[18] *Mercury*, 29 July 1879.
[19] Ibid.
[20] Larcombe, p. 140.
[21] *Mercury*, 29 July 1879.

A further technique for undermining the witness was the use of silence. Larcombe, drawing again on Matoesian, argues that the defence counsel is 'empowered to regulate and generate silences: should the witness pause or remain silent, the defence counsel can introduce a further question … or offer an unfavourable interpretation of the pause'. Unregulated breaking of silence by the witness was also immediately quashed through defence appeals to the bench. In Matoesian's words: 'The control and manipulation of silence constitutes a critical power resource in courtroom talk … It embodies the inferential basis for assessing the credibility of testimony and the character of witnesses.'[22]

Given the level of artfulness employed in courtroom discourse, a surprising degree of reliance was placed on its transcription representing the 'truth'. For Gertrude Kenny, the most damning material was the transcript of the evidence she had already given to the Commissioners during the Enquiry, which contained several points that were at odds with her deposition at the hearing. There are many reasons these narratives may have assumed their final shapes, not least of which being the kinds of masked questions to which they were responding. Their modes of production, especially that of the report of the asylum Commissioners, were treated as unproblematical by the defence and by Commissioner Whitefoord. Throughout the hearing, Gertrude Kenny condemned the inquiry process, the statements of witnesses and the report itself:

> She had not altered her statement the report was wrong … She did not tell the Commissioners of a lot of things, as they would not let her speak several times … Nurse Crosswell's evidence was most certainly false and Emily Rainsford and the other four nurses also swore falsely before the committee. It was concocted evidence instructed by Dr Huston and his friends, the nurses acting under their instructions … She had very little faith in the Commissioners and their report was wrong … She complained to Mr O'Boyle [the recorder] about the report at his office.[23]

In her resistance to the way her narrative was being reconfigured Gertrude Kenny was transgressing the gender boundaries incumbent on her as an acceptable successful rape complainant. Commissioner Whitefoord admonished her several times. He said, 'it was very unbecoming of her to indulge in these harangues which prolonged the business

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[22] Larcombe, p. 141.
[23] *Mercury*, 29 July 1879

and obstructed the administration of justice.' And as to her condemnation of Mr O'Boyle's reporting, he said 'he was sorry that Mrs Kenny should be so unreasonable in her conduct. She had received every possible indulgence while she was being examined, and yet she seemed inclined to dispute and contradict every answer she gave. He was very sorry that Mr O'Boyle should have had so ungracious a task'.

After Gertrude Kenny had signed the depositions and Dr Crowther had taken the stand, successfully confirming his lack of hostility to Dr Huston but, because of an objection from the prosecution, failing to give Gertrude Kenny a character reference, Giblin addressed the court for the defence:

> the charge was a heinous one, when laid against any man, but much more so when laid against a medical man, who by virtue of the privileges of his profession, obtained entrance to the bedroom of the female patient, and under the guise of an examination, to be carried out in his professional capacity, abused the trust and confidence placed in him, and committed a brutal outrage upon an invalid, weak and defenceless. He would thus prostitute the confidence reposed in him in the most shameful manner. If the charge was heinous in any medical man, how much more so in such a one as Dr Huston? He was no young man, with passions heated and inflamed, but a man advanced in years, who for eight and thirty years had served the Crown in this colony faithfully, and had been rewarded with one of the highest posts in the profession, and with the general confidence of the public. As a justice of the peace, too, he had filled other responsible duties for thirty-two years. In his position as medical officer at New Norfolk he had under his charge numbers of unfortunate persons who, being deprived of reason, had become peculiarly susceptible to violence or malpractice. If this crime were considered heinous and dreadful in the case of a young man, how must it appear when preferred against Dr Huston? He was a man advanced in years, a father and grandfather, and as a citizen had by his genial nature and kindly hospitality, made his name loved and revered throughout the colony.

Again, Giblin entered into the narrative, countering it by interweaving the high character status of his client and thereby rendering Gertrude Kenny's charge so unlikely as to be absurd. As defence counsel's speech and the second day of the hearing drew to an end, Commissioner Whitefoord suggested that they should begin on Monday with

the evidence for the defence and 'in particular that the Commissioners might give their evidence in verification of their report which had been so broadly impugned'.[24]

At 11 o'clock on Monday morning, after adjourning for a day to observe the Sabbath, the first witness for the defence was called. John O'Boyle was both recorder and witness at the hearing, placed in that 'anomalous position' under the orders of the Attorney General.[25] In the stand he had the transcripts of the inquiry before him and was asked by Giblin to read out the sections in which Gertrude Kenny had apparently contradicted herself.[26] He later said that he had taken down the statement 'exactly as she had uttered it'.[27] But on cross-examination at the hearing he told the court that,

> Mrs Kenny gave her evidence that the former enquiry in a rather more discursive manner than in the present case. Witness had great difficulty following the course of her narrative. Witness took down the answer to the question, but Mrs Kenny often broke off to irrelevant matter. Witness took down no more, but a great deal less than what she said.[28]

In his testimony at the later trial, he said that at the enquiry Mrs Kenny had been,

> in a state of mental excitement when she gave her evidence, and kept up a running sort of conversation, which he did not take down, as it was outside the case in point … While the inquiry was progressing [Mrs Kenny] frequently complained of ill-health, and said on several occasions she was not in fit state to ask questions. All that [Mrs Kenny] said during the inquiry witness did not intend to take down, what witness did not take down was what [Mrs Kenny] said when she broke out into exclamations in reference to Dr Huston, Dr Jamieson and others connected with the case. Witness wrote down as near as he possibly could what was said by [Mrs Kenny]; and could not swear that he took down through the whole of her statement exactly what she stated. Witness endeavored to write accurately what was said by [Mrs Kenny].[29]

After the three asylum Commissioners had been examined, Commissioner Whitefoord asked how many more witnesses there were for the defence and Giblin told him he

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[24] Ibid.
[25] *Mercury*, 24 September 1879.
[26] *Mercury*, 29 July 1879.
[27] *Tasmania Tribune,* 24 September 1879.
[28] *Mercury*, 29 July 1879.
[29] *Mercury*, 24 September 1879.

intended to call Mr Jamieson, Dr Macfarlane and several of the nurses. His Honour stressed that he would 'like to hear the evidence of Mr Jamieson, who besides being a witness of high character, could speak to several important parts of the evidence in which his name had been mentioned'. When Jamieson and Macfarlane had both been examined Commissioner Whitefoord said that 'unless the witnesses were really important he did not think of it worthwhile going into trivial points,'and launched into his decision. He commended the counsel of both parties 'who had conducted the case as able lawyers and gentlemen'. Of Dr Huston he made barely a mention, but Mrs Kenny, by inference, had not conducted herself as a plausible rape victim:

> in testing the conduct of the prosecutrix by [Lord Hale's] rules, he found by her own testimony that she did not make an outcry; that she accounted for this by saying she could not do so, notwithstanding her efforts. Now, he had heard many statements of women and girls who have been forcibly violated, and upon whom attempts at forcible violation had been made, and he had been struck by the degree of resistance which even a weak woman, using her best sense and energies could make in such cases. He could not help thinking that a woman, circumstanced as described by the prosecutrix, might have at least released herself sufficiently to cry out *if her resistance was real*.[30]

The variances of Mrs Kenny's evidence from that of other witnesses 'were past repair, and standing in the light they did, they deprived the charge before him of that credit so essential to so grave an accusation'.[31] The complaint was dismissed.

[30] *Mercury*, 29 July 1879.
[31] Ibid.

CHAPTER FIFTEEN

DEMONISING GERTRUDE

The press had waited until the conclusion of the trial before publishing the details. This allowed them to triumph over the outcome before acquainting their readership with the evidence, thereby pre-empting the public from weighing up the material as it was presented to the court. The *Mercury* referred to the decision as having given 'not general, but universal satisfaction, for never was public opinion more unanimously on one side'.[1] Shani D'Cruze has pointed out that newspapers, as well as judges and magistrates 'not infrequently repackaged these [trial] narratives as moral tales'.[2] Now that the case was no longer *sub judice*, the press, and most particularly the *Mercury*, declared open season on Gertrude Kenny. She was configured as the 'perjured prosecutrix' whose 'bold and unblushing' demeanour showed 'nothing of the lady, a character which she so much affected'.[3] As Kim Stevenson argues, not only was a woman's mere appearance in court as a rape victim a violation of 'the principles of feminine modesty', but she also 'usurped the privilege of masculine experts to define sexual crimes on their own terms'.[4] The dismissal of the case vindicated these definitions. It not only nullified one woman's construction of rape, but it allowed further weight to be given to the canard of the probability of untruthfulness among rape complainants, compared with victims of other crimes, and the importance, therefore, of precautions to protect accused men, particularly men of status.[5]

Here, in the days immediately after the hearing of Queen vs Huston, the *Mercury* with its descriptors, 'perjured prosecutrix', 'persons of the Kenny type' and 'the woman Kenny', its references to her 'unblushing' demeanour and the way she had given her evidence 'with a flippancy and a mannerism that showed she was but repeating the parrot lesson which had been taught her'(by Crowther), and its mockery of her failure to capture the role of a lady, stripped Gertrude Kenny of her dignity, voice and identity.

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[1] *Mercury*, 29 July 1879.
[2] D'Cruze, p. 155.
[3] *Mercury*, 29 July 1879.
[4] Stevenson, p. 354.
[5] Stevenson names three institutions which, in combination, had 'profound implications for the construct of the female rape complainant'. These three: 'journalism, medicine and law, were', she argues,'perhaps the most representative of the male bastions of the establishment'. pp. 354, 358.

[6] Within the same breath Mrs Kenny was configured as a malign protagonist and a hapless cipher. These contradictions did not matter; they only served to measure Gertrude Kenny's departure from that impossible construct: the Victorian ideal of womanhood. The case served to reinforce the role of the press as moral arbiter, and provided it with an opportunity to re-establish the boundaries of acceptable female behaviour which Gertrude Kenny had transgressed.

In its editorial columns the *Mercury* layered the crimes Mrs Kenny had committed against a respected man, the medical profession, the law, the reputation of the colony and, indeed, God and humanity, but whose dire outcomes had been averted, thanks to the intervention of forensic rigour and divine Providence:

> Had the machinations of this woman who has earned such an unenviable notoriety, been as successful as they were unscrupulously and deeply planned, it would have been impossible to form any idea of the terrible results to the accused and his family which must have followed. But, fortunately for him and them, the flaws in her chain of circumstances disclosed an absence of principle and truthfulness that was humiliating to our human nature.

She had been prepared, on oath, to wipe out,

> the good name of a long-tried, trusted, and respected public officer, and would have cast him in his old-age on the cold world, ruined in reputation, broken in spirit, the subject of public scorn and contumely, one from whom all that is pure and noble would have turned away.

It was bad enough that she had sought to bring down an important colonial figure, but her actions, according to the *Mercury*, had the potential for much wider repercussions. For one, they threatened the entire edifice of the medical profession:

> The relations between a medical man and his patients are of the greatest conceivable confidence and delicacy. It is essential to the well-being of society that these relations should be maintained undimmed by insecurity or suspicion. The patient and the patient's family must continue to regard the medical attendant's visit with a confidence in his honour as great, or perhaps even greater than in his skill, while the medical gentleman must feel that he can

[6] *Mercury*, 31, 29 July 1879.

> enter and leave the sick chamber without a suspicion of misunderstood motives, or the slightest fear of injurious reflections. If the offence of the woman Kenny is allowed to go scot-free, this can no longer be the case. The medical gentleman in the innocence and purity of his mind leaves the sick bed of a patient with perhaps nothing but his notebook to remind him of the concomitant circumstances of his visit; and days, weeks, or, as in the case under consideration, months after, finds himself called on to answer the charge of some designing and unprincipled woman; the charge that he can only meet by reliance on his own good character, a reliance that in an age given to slander and detraction may avail him little.[7]

In order to preserve the construct of 'the innocence and purity' of the generic medical gentleman it was crucial to deny his physical embodiment and the possibility of sexual misconduct. It was such constructs that the rape myth of the violent stranger helped to maintain and Gertrude Kenny's narrative had threatened to undermine.

But not just Dr Huston and the medical profession were imperilled by Mrs Kenny's 'terrible crime', so too were the colony and its legislative process.[8] Alex Simmonds, working on breach of promise cases in Australia a few decades earlier, reveals how closely the law and colonial identity were entwined. Anxieties about the fragility of the 'veneer of civility' fed into the belief that colonial society 'could collapse at any stage to barbarity'.[9] Responsible government in Tasmania had by 1879 spent over quarter of a century trying to eradicate the residual perceptions imposed by its past as a vice-ridden penal colony. And the recent death of Truganini had brought up uncomfortable questions of legitimacy that were being addressed by emotive rhetoric about the sad but necessary loss of a Stone Age tribe in the wake of Imperial progress. The law was 'an official dimension' of the Enlightenment which 'operate[d] on the state of nature … its elements being the response to the inadequacies of that state'. And while the law regulated civility, it also shored up the claims of its upholders in the colonies to

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[7] *Mercury*, 31 July 1879.
[8] Ibid.
[9] Simmonds, p. 104

membership of the British Empire, where their 'ultimate origins and ultimate identity' lay.[10]

On 31st July, three days after the end of the hearing, the *Mercury* 'imperatively demanded … for the good name of the Colony' that the 'Law Officers of the Crown shall convince persons of the Kenny type that the experiment that has so fortuitously failed cannot be repeated without great risk to the accuser as well as the accused. Unless the law [was] in Tasmania a mockery; justice merely a bauble …', action had to be taken. There was 'no saying who may be the next sufferer if the offence of the woman Kenny [was] simply allowed to pass out of mind as a nine days wonder'.[11] The 'Kenny type' – the unauthorised voice, the woman who asserted herself – had to be silenced. On 25th August, Gertrude Kenny was summoned to the City Police Court where she appeared before Mr F W Mitchell, JP on a charge on having committed wilful and corrupt perjury during the rape hearing on 26th July. The charge, brought by the Crown on behalf of George Huston, was upheld. Gertrude Kenny was then committed for trial at the next criminal sittings of the Supreme Court, on the 23rd September. Bail was allowed.

Short of treason, perjury was the ultimate crime against the modern state, precisely because it could be interpreted as 'a mockery', flouting the very premise on which the state was based. There can hardly be a more forceful way of asserting the authority of this particular truth regime than a perjury trial, nor a more artificially constructed and questionable process by which 'truth' might be determined. Hilary Schor has commented that realist fiction and law have in common 'a fantasy of realism'.[12] Anne Goldstein has defined barristers as 'technicians of truth' who take the 'conflicting accounts and by selection and emphasis construct a version that will convince'. The barrister requires a strong plot, motivations and character. The more recognisable the plot, the more stereotypical the characters, the better able the lawyer to convince a jury.[13]

These narrative requirements which placed the aberrant story in the context of broader value systems could 'subsume women's social identities within the "totalising figures" …

[10] Ibid, p. 194, n. 47, p. 107.
[11] Editorial, *Mercury*, 31 July 1879.
[12] Schor, pp. 182-183.
[13] Anne Goldstein, 'Representing the Lesbian in Law and Literature,' in *Representing Women*, pp. 356-384, p. 357.

[of] the Gothic, or melodramatic 'that facilitate their intrinsic plot lines'.[14] The legislation introduced in the late 1830s that permitted the prisoner legal representation in court also professionalised the voices in court, and undermined the validity of the prisoner speaking for herself.[15] Here, in the public court, Gertrude Kenny was the centre of the drama, but she was the central prop, not the leading actor. Like the women who appeared in the court scenes of Victorian fiction, she was 'turned into [a] public spectacle … but silenced by [her] authorial illegality'.[16]

The theatricality of Gertrude Kenny's perjury trial was reinforced by the costumes worn by its main players. Full wigs and gowns had been introduced at the beginning of colonial self rule and, unlike Huston's hearing, this drama had an audience in the shape of a jury. [17] The play was in four acts: the case for the prosecution, the case for the defence, the prosecution's rebuttal and the judgment. The stars of the performance were His Honour the Chief Justice, Sir Francis Smith, the Attorney-General, Honourable J S Dodds; and Byron Miller, 'the Lion of the North', a former Attorney-General responsible for a sweep of legislature in the first decade of responsible government.[18] Unlike a conventional play, the scenes within each act were arranged and directed by that act's lead player.

The first court, where Mrs Kenny was to stand trial, opened at 11am on Tuesday, 23rd September.[19] Had her life taken a different trajectory she might have been celebrating her tenth wedding anniversary. The proceedings of Regina versus Kenny would be played out over five full days. They opened with the charge being read and Gertrude Kenny's only speaking part: her plea of 'Not Guilty'.[20] The prosecution, having to establish its case by examining the authenticity of the documents, was forced to bring in Dr Robert Blyth JP, who managed to slip in that he had known Gertrude Kenny for twenty years, 'and had during that time highly esteemed her'.[21] But from there on in, the Attorney-General arranged his witnesses so that each one would lend veracity to Dr

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[14] D'Cruze, p. 154.
[15] Jan-Melissa Schramm, '"The Anatomy of a Barrister's Tongue": rhetoric, satire, and the Victorian bar in England', *Victorian Literature and Culture*, 2004, pp. 285-303, pp. 286-287.
[16] Christine L. Krueger, 'Witnessing Women: Trial Testimony in Novels by Tonna, Gaskell, and Elliott,' in Heinzelman & Batshaw, pp. 337-355, p. 338.
[17] J N D Harrison, ed. *Tasmanian Court in the Colony*, Hobart: Law Society of Tasmania, 1974, p. 20.
[18] 'Miller, Robert Byron (1825 - 1902)', *ADB*, vol. 5, pp. 253-254.
[19] Tasmania. Supreme Court , Minutes of Proceedings in Criminal Cases, Hobart. AOT SC 32/1/14.
[20] SGD 32/1/14.
[21] *Tasmanian Tribune,* 24 September 1879.

Huston's claim of high character, his account of his purely professional relationship with Gertrude Kenny, and his claim of her continued friendliness towards him after the alleged assault. But perhaps most damning, was Dodd's production of an alternative account of Gertrude Kenny's movements on the day she said the rape had occurred.

Under normal circumstances it would be hard to give credence to a detailed reconstruction of a day in the life of an institution, elicited over seven months after it had elapsed. But the date Gertrude Kenny selected fell closely on the heels of her return from Hobart on 19th December. She had brought back a bolt of black grenadine that she hoped to have made up into a dress by Christmas, which she intended to spend with her friends back in the city. Kate Crosswell told her convincing, and corroborated, story about cutting, fitting, and sewing Mrs Kenny 's dress . She had begun to make the dress and wanted to complete it, but Mrs Kenny had been told by Dr Huston that it should not be done in the nurse's time. The plausibility of the story, though, does not necessarily prove its veracity. Samantha Hardy has studied the way witness evidence is shaped by 'pre-existing narrative typifications'. She looks at the way understanding a particular event is processed according to a schema; a pre-existing idea about the kind of sequence it might fit into: 'It is organised like a categorical structure in that the knowledge is arranged in a hierarchy with more general classes of events containing more specific events nested within them.' Furthermore, in order to fill in causal gaps, people unconsciously bring in default values if they cannot find 'an explicit value for an element of the narrative structure'.[22]

But the formation of evidence is further established if the witness can infer the objective of the person eliciting the information; that is the witness unconsciously tailors their testimony to suit the broader narrative schema.[23] This would be reinforced if, as in this case, the questioning is occurring within an culture like the Asylum in which a nurse is expected to be the eyes and ears of the doctor. The evidence of the dress-making episode had been collected by Dr Huston and his lawyer, Curzon Allport, who had interviewed the two nurses together at the Hospital.[24] The evidence of Mrs Matthews, the dressmaker to whom the dress had been given and who had less at stake in the outcome, was not clear about the date she had received a dress, and she did not

[22] Samantha Hardy, 'Narrative Theory, Psychology and Law', *Australian Journal of Law and Society*, vol. 15, 2000-2001, pp. 194-208, pp. 194,
[23] Ibid., p. 201.
[24] *Mercury*, 24 September 1879.

in fact finish it until shortly before New Year's Eve. Mrs Bell, the Sub-matron, whose work had been most affected by Gertrude's incapacity, corroborated the evidence of the two nurses. But she provided such tightly precise information about the times she had seen the Matron arrive and depart from the laundry and her cottage, and which spaces Dr Huston had visited the Female Division on the day, and in which order he had visited them, that her evidence seems unlikely to have been based on her recall of that precise date. Nevertheless, the several witnesses, the vividly portrayed movements around the activity of dress-making, with the Matron at the centre, made for a convincing counter-narrative to Gertrude's inconsistent story of rape.

The case for the prosecution continued for three and a half days with fourteen witnesses being called. Five more were held in reserve for the rebuttal. In the mid-afternoon of Friday, 26th September, Byron Miller began his address to the jury. He spoke, the *Mercury* noted, for six hours and twenty minutes, concluding at lunchtime the next day.[25] He called only five witnesses and arranged them carefully. First and last he called character witnesses. The first was Charles Bromby, the Lord Bishop, who had been accompanied to the court after the lunch adjournment by His Honour the Chief Justice, and took his seat beside him on the bench. In his evidence he spoke of the 'admirable' way in which Mrs Kenny had discharged her duties at the Girls' Industrial School and that he had 'never heard her truthfulness impugned'. Miller reinforced the Bishop's evidence by reading the testimonials the Bishop, his wife, and his son, Reverend Bromby, had written. The last witness was William Lodewyk Crowther, the Premier. He considered Mrs Kenny 'honest, virtuous, truthful, and all that was desirable in the position she occupied in his house… Nothing had ever occurred to shake [his] confidence in the virtue of Mrs Kenny, and he could not think anything ever would'.[26] Crowther said that he 'believed her story' and was outraged at the prosecution's inferences that anything untoward had occurred under his roof. He 'denied very indignantly that he knew of any impropriety in Mrs Kenny's conduct whilst she was at his house, and said that if anyone deposed that Mrs Kenny had said so, he would consider the statement untrue.[27] Sandwiched between these two eminent men, Byron

[25] *Mercury*, 27 September 1879.
[26] *Tasmanian Telegraph*, September, 27, 1879.
[27] *Mercury*, 24 September 1879. The reference to 'untoward' conduct at Albert Terrace is never clarified, although it might have been had Miss Brown been allowed to give evidence. The Attorney-General 'wished to ask Harriet Brown 'questions relative to the statements made by defendant to her about Dr Crowther, but His Honour ruled them to be inadmissible as they were collateral to the present issue'.

Miller presented Mary Ann Macnamara, a witness whose embodied credibility was less assured. She came from a New Norfolk family and had been a nurse at the asylum before Gertrude Kenny's time there. She had been sacked by Dr Huston, had become pregnant and had then moved to Melbourne to get married. According to Mary Ann she had seen Dr Huston at the Post Office in early May when she was in Tasmania visiting her mother. She said he had greeted her with the words, 'Well my young damsel, you have soon come from Victoria' and asked her to visit him that evening. When she did, he suggested they go down the lane towards the milkman's cottage but she said she did not wish to as it was 'too lonesome'. He put his arm on her shoulder, and said that he dared say she was very frightened, but that she would not be so if he was Macnamara [her husband]. He then told her the proposition he wanted to make to her which involved accompanying Mrs Kenny to Victoria for the last stages of her confinement.[28]

The prosecution's rebuttal began on Saturday morning and Dodds called several more witnesses before delivering his address to the jury. His first was aimed at casting doubt on the date Mary Ann Macnamara had named for one of her communications with Huston. All the other witnesses had known Gertrude Kenny during her time as Matron at the Girls' Industrial School and had been brought to the witness box to attest her untruthfulness. Like Miller, he arranged them so that the two witnesses most likely to be taken seriously were placed first and last. First was Robert Mather, one of the guardians. He was followed by the sisters Harriet and Mary Brown, school mistresses at the Girls' Industrial School. And finally, Canon Davenport, who had been responsible for the religious education of the girls, was called to the box; but once there he appeared unwilling to support the suggestions of Gertrude Kenny's dishonesty. According to the *Tasmanian Telegraph,* he had only heard rumours that she was untruthful, and according to the *Mercury*, he said that he had found her truthful in his dealings with her.[29] The Attorney-General presented his address to the jury.

In the nineteenth century, after court processes were restructured and personal testimony was replaced with legal representation for key figures, what was staged in a trial was a contest of narrative legitimacy and persuasive rhetoric. What mattered now was victory in an argument rather than the arrival at a truth. Critics observed with

[28] *Mercury*, 27 September 1879.
[29] *Tasmanian Telegraph,* 29 September 1879; *Mercury*, 29 September 1879.

unease the way oratory and literary flourish had taken the place of plain speaking. Others responded with irony, calling on barristers to engage in "Forensic Singing" to better represent the feelings of their clients, a challenge taken up by Gilbert and Sullivan in *Trial by Jury* which reached the colonies to great acclaim in 1876.[30] The arguments presented by Gertrude Kenny's defence in its address on Thursday and Friday, and the arguments presented in the prosecution's rebuttal on Saturday, wove a blend of witness testimony, emotional appeal and satire that aimed to gain supremacy in the hearts and minds of the members of the jury.

Miller opened his address for the defence with an impassioned plea to the jury to forget what they might have read in the *Mercury* that same paper reported: 'The infamous articles that day after day had appeared – articles thoroughly outside the pale of respectable journalism'. He hoped that they had managed to escape 'the influence of the atmosphere of sensation that for a long time had unfortunately surrounded the case'. In these articles, he told them, 'this woman was held up as an abandoned infamous character and in … order to make her a stalking horse to men who were opposed in politics to the journal, this poor woman was dragged through the mud and every vile epithet was piled upon her'. In this strategy, Miller was not only trying to expose the fictiveness of the representations of Gertrude Kenny that might have influenced the jurors, but also send a message that if they were to decide against Gertrude Kenny, they might be accused of ungentlemanly bias; of lacking the ability to be objective that was such an essential ingredient of Victorian bourgeois masculinity. Miller's appeal to the gentlemen of the jury played on this sensibility and reconfigured the terms of the argument. He invited them to agree that 'no consideration of social position for comparative respectability in rank ought to intrude. Respectability and purity of character were the essential and only ingredients that ought to be introduced in such a case in a court of justice'.

He began by arguing that rank had indeed intruded in the whole process of the case. Referring to the enquiry, he spoke of the Commissioners as the 'warm personal friends of Dr Huston', whose 'minds would be unconsciously biased in his favour and against Mrs Kenny'. Later in his address he resorted to hyperbole: 'In fact, such a one-sided, such an illegal and irregular investigation he had never before heard of since the days of

[30] Schramm, pp. 286, 287, 291, 297. The legislation that introduced legal representation for defendants was the Prisoner Counsel Act, 6 & 7 William, 4 (1836).

the Star Chamber'. His language of Gertrude Kenny's victimhood suggested the bullying implicit in this rank-pulling exercise:

> Before the self-constituted tribunal Mrs Kenny was dragged from her sick bed, at a time when she was too ill to perform her ordinary duties. She was brought there a weak, helpless, suffering woman, to undergo the ordeal of the Commissioners' investigation … How could she, a timid, sickly woman, prosecute a charge which she had unwillingly preferred?

Having sought to arouse their protective instincts, Miller proceeded to unfold Gertrude Kenny's unblemished record. He read the testimonials she had presented for her position as matron at the New Norfolk Hospital for the Insane and reflected on the virtuous life she must have led 'that these ladies and gentlemen had expressed such an exalted opinion, for it was nothing less, of Mrs Kenny'. The prosecution was asking them to believe 'that this woman had become, but a short time after she entered the hospital, a vile, abandoned strumpet, willing not only to receive the improper attentions of an old man, but to secure the imputation of having successfully done so'. She would have had to have been 'a species of *lusus naturae*' to have made that metamorphosis. In a deft counter-attack Miller sought to destabilise the prosecution's representation of Dr Huston's inculpability. If it were true that Mrs Kenny had made this about-face, they could only blame it on the moral atmosphere of the institution, whose responsibility lay with the Superintendent:

> After her injury, who attended her and whose society was she most constantly having? why Dr Huston's! If, then, she was so transformed, and they went to look for the instrument of the change, where would they find it? Why, where but in Dr Huston! His examinations of her were of such a character as to make most men long for the day when female doctors only should operate on women. From these examinations they knew from the evidence how she shrank; this abandoned creature as they were asked to believe.[31]

If Gertrude Kenny's virtue had been sullied, it was not of her own doing. She had been object, not agent:

> Mrs Kenny, believing in the character and reputation of the doctor, had submitted herself to his care, and during his professional visitation, according to

[31] *Mercury*, 26, 27 September.

> his own admission, he had been 'tempted' … This brought the very important fact before the jury, that Mrs Kenny had been an object of lustful desire.[32]

Miller did his best to reconfigure those actions of Gertrude Kenny's that failed Lord Hale's test into the reactions of true femininity. Her contradictions arose out of her reticence but she had 'spoken the words of truth when they were wrung from her, when she would rather have carried away her shame into oblivion'. Her desire to have the matter hushed up 'was a very natural one' and the falsehoods she might have told were 'to shield' Dr Huston. It was surely 'most reasonable that her surprise and confusion should be so great' as to prevent her outcry.[33]

The prosecution had the advantage of being last. 'His friend', Attorney-General Dodds proclaimed, 'was the celebrated legal lion of the North, who had been brought down to crush the lamb, the "young" Attorney-General',[34] but 'feeling the black desperation of his case had soared into the realms of improbability, and ascended to the regime of sarcastic sophistry … the best definition of the address for the defence was that it was "a flimsy substratum" based upon foundations of improbability and capped by a dome of infinite audacity'. While the defence had sought the sympathy of the jury by appealing to its passions, he would test his case by the stern power of facts'.[35] While Miller's rhetoric was without doubt emotive – he had, for instance, argued that as a result of the injury Gertrude Kenny had sustained at the asylum 'her life was so shortened that she might almost call herself a murdered woman',[36] – Dodds' oratory was hardly restrained. He poured scorn on Miller's construction of Gertrude Kenny's motives:

> Had not the jury daughters, had they not virtuous wives and did they not know that the first instinct of any pure woman would be to prosecute the villainous outrages to her chastity, to publish to her dearest friends her sorrow, and as those of ancient times, to draw her skirts away from the polluter; but there was nothing of this kind on the part of the prisoner, not a single word to anyone, no disgust at the doctor, oh no! Her demeanour towards him was unchanged and she went about the institution just the same woman as before. How ridiculous,

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[32] *Tasmanian Telegraph*, 26 September 1879.
[33] *Mercury*, 26 September 1879.
[34] Ibid, 30 September 1879.
[35] *Tasmanian Telegraph*, 30 September 1879.
[36] *Mercury*, 26 September 1879.

> unnatural and absurd for Mr Miller to attribute this to the goodness of the woman. It was a monstrosity, something superhuman.[37]

Mrs Kenny had, he argued, lied with recklessness. Her evidence, he suggested quoting Walter Scott, was:

> Variable as the shade
> By the light quivering aspen made.

It was not only variable but 'prevaricating and untrue'. The jury was being asked to believe that his client could be responsible for the base behaviour described. This was a man with 'sterling character', who 'for many years had been occupied in the services of the government of this colony, who was now 67 years of age, a father, and grandfather, full of honour himself, blest with the good opinion of his friends, one whose career has been singularly free from blame and against whom no suspicion of improper conduct has ever before been alleged'.[38] Mr Miller's argument that Mrs Kenny had been 'an object of lustful desire' was hardly credible:

> She was pale, emaciated, an object of pity rather than otherwise, and where would there be an appeal in her physical condition to the passions of a man? It was a simple absurdity … Dr Huston was not a young man possessed of the violent passions of youth. What was there in the prisoner to make him assault her? Where was the sun-like beauty to make the man forget himself in the miserable, haggard, emaciated woman – a woman who was confined to bed with an illness of a peculiar character.

But ultimately, Dodds argued, the question was not whether the assault had occurred, nor whether the defendant had acceded to it, but whether Mrs Kenny had knowingly lied in her evidence before Commissioner Whitefoord. 'The case should be decided according to the conscience of the jury, and if it was not, the time would come when they would feel they had violated the sanctity of the office and sacrificed every principle of honour and justice'.[39] The Chief Justice, summing up and instructing the jury, differed from the Attorney-General as to the basis on which the jury needed to make its

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[37] *Tasmanian Telegraph*, 30 September 1879.
[38] *Mercury*, 30 September 1879.
[39] *Tasmanian Telegraph*, 30 September 1879.

decision. Furthermore, he reiterated the point several times. What had to be proved, he said, 'was that no rape was committed'.[40]

The jury retired at 3.20pm on Saturday 27th September to consider their verdict. Those whose occupations were given were farmers (five), licensed victuallers (two), and an innkeeper. The very naming of their occupations separated them from those whose class required no statement of status and to which the remaining four in all likelihood belonged.[41] The jurymen returned to the court at five o'clock irreconciled to a unanimous verdict. It is impossible to know to what extent their division bore any relation to their social status: merchants and farmers on the one hand, and gentlemen on the other; those whose class background might have been comparable to Gertrude Kenny's and those whose class might have aligned them with Dr Huston. The crux of the disagreement may have rested solely on the basis that they felt the fact of the rape had not been categorically negatived, but one of these jurymen – either a licensed victualler or the innkeeper – had sufficiently believed in Gertrude Kenny's innocence to later champion her cause.[42] Although the jury was comprised of men who were for the most part from rural districts, it is unlikely that they had escaped from what the *Mercury* called 'the town talk', or, as Miller had pointed out, from the coverage of the *Mercury* itself.[43] The 'Kenny Case' had been and would continue to be highly contested in the streets, the media, and parliament, with Gertrude Kenny, and those from whom she had sought protection, playing an active part in shaping this reputational contest. There is little doubt that some of these actions, as well as Gertrude Kenny's ravaged appearance in the dock, may have succeeded in influencing the verdict.

The jury was dismissed and the Attorney-General asked for the prisoner to be remanded to the next Criminal Sessions, but had no objection to bail being granted. And Gertrude's friends, George Eady and Edward Gifford, made sure she did not have to linger in gaol for months until a retrial; they renewed their recognisances of £150 each and Gertrude Kenny was released into their custody.[44]

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[40] *Mercury*, 30 September 1879.
[41] SGD 32/1/14; Tasmania. Supreme Court, list of jury men summoned to Court, SC 205/1/21.
[42] *Mercury*, 3 October 1879.
[43] Ibid, 10 September 1879.
[44] SGD 32/1/14.

Gertrude Kenny's court appearances configured her predominantly as a public spectacle and beyond the social pale. The nature of her initial charge against Dr Huston inscribed her as a sexual being and compromised the purity required for ideal femininity. The trial for perjury carried the implication of a disrespect for patriarchal authority and destabilised her sexualised body further as a leaking, unreliable vessel. The eyes and ears of those who could be considered truly feminine had to be shielded from the subject matter, even though, or perhaps because, it dealt with the locus of highest vulnerability in the relationship between men and women. Miller had objected to the way the *Mercury* 'had no hesitation in filling its columns with the prurient details, and placing them on the breakfast tables of the city – details which no modest woman ought to read'.[45] The very fact of being in court also undermined Gertrude Kenny's fragile attempts to be considered a lady. Although a number of female witnesses were called, the only two whose status would have allowed them to consider themselves 'ladies', Mrs Salier and Lady Officer, submitted doctors' certificates saying they were indisposed and would be unable to appear. Mrs Huston was not even called. [46]

[45] *Mercury*, 26 September 1879
[46] Ibid. 30 September 1879.

CHAPTER SIXTEEN

FRIENDS IN HIGH PLACES

Gertrude Kenny's crime was her unauthorised voice. Her first response to the exposure in Dr Huston's office in May had been to take the matter no further. When Jamieson visited her in her cottage she had asked that things be 'hushed up'. Her silence was not allowed because it left an open question over the reputation of Dr Huston. Fama would be left watching and broadcasting at will and into the future if Historia did not reign in the narrative and tie up loose threads. But by forcing Gertrude Kenny to speak, the men who wished to control Fama's tune found that, however hard they tried, they were unable to shape her utterances. Although ill and maligned, Gertrude Kenny was determined to take Historia's shaping into her own hands, allowing no opportunity for vindication to pass. She may have been silenced in court, but she remained vociferous outside it. She drew on powerful friends, and operated a campaign that both used and side-stepped due process. She was strategic and emotive in her fight to secure her good reputation in the public domain.

Her primary response to the crisis was to secure the patronage of influential men. Although her approach to Sir Robert Officer in the first instance had been forestalled by Lady Officer, she stood on much firmer ground with her enlistment of the Premier, William Crowther. But she had not done so prior to the enquiry. During the perjury trial, Crowther told the court that in March, he and his son, Edward, had both been shown round the Asylum by Dr Huston. Gertrude Kenny had been with them but had seemed 'to keep in the background'.[1] She had made no complaint. Given that she had at that time been advised to keep quiet, and her experience of Crowther's feet-first-into-the-fray approach to life, this is not surprising. When she did approach the Crowthers in May it was, as it had been with the Officers, through the Mistress. Gertrude affected not to know that what she told Victoire would be passed on to William, but that was in court:

> I told Mrs Crowther in conversation what had occurred. I believed her to be my friend and confided in her. I did not tell Dr Crowther this. I had no idea he was going to write or did write to the Commissioners. I had no conversation with Dr

[1] *Daily Telegraph*, 27 September 1879.

> Crowther till the evening. He then wrote the letter but did not tell me so … I made a complaint to Mrs Crowther and afterwards I told Dr Crowther.[2]

But there is no doubt that at this point, when the nature of the enquiry became clear to her, Gertrude Kenny wanted Dr Crowther's intervention. His response on the evening of first day of the Enquiry, after hearing the aspersions on Gertrude Kenny's reputation, had been to write a letter immediately to the President of the Commissioners giving her a character reference, a position he reaffirmed both at Huston's hearing and at the later perjury trial. There is a strong probability that it was in discussion with Crowther on that same evening that legal counsel not only arose as a question, but was also immediately obtained. The choice of Charles Bromby, son of the Bishop and brother of Gertrude's minister, may well have been hers, but Crowther also had close connections to him, and the authority behind Bromby's instant engagement is more likely to have been his.[3] Given the expense of hiring someone of Bromby's status – this was no Mr Lees, – Crowther may also have provided, or sought at least some of the financial underpinning, for what would become a protracted and expensive process.[4] Nonetheless Gertrude allowed no one to assume that she was not in charge. She told the court at the rape hearing:

> I instructed my counsel to write to the Commissioners to be allowed to be represented by counsel at the enquiry and that request was refused.[5]

On 10th June, before the enquiry had even finished interviewing its witnesses, Bromby, possibly on the urging of Crowther, submitted Gertrude's deposition to the Colonial Secretary, Thomas Reibey, who wrote two days later to the Commissioners, requesting the report: the 'subject matter [being] of great importance'. When no reply had been

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[2] SGD 13/1/10 .

[3] Bromby had been Attorney-General 1876-8, and was also an Italian scholar. He returned to England soon after Gertrude's trial. A. R. Buckland, 'Bromby, Charles Henry (1814–1907)', rev. H. C. G. Matthew, *ODNB,* http://www.oxforddnb.com/view/article/32087 accessed 25 Oct 2009.

[4] During the perjury trial Miller said that 'if his client had not had friends to whom she could go for assistance, she would not have been able (having no doubt, been already put to the great expense in connection with the case) to have gone to the further expense of bringing him down here to defend her. He did not pretend to have the eloquence of his learned friend, Mr Bromby; nor yet such familiarity with the case. *Mercury* 26 September 1879. Presumably Bromby was unable to defend her at the perjury trial because he had been subpoenaed as a witness.

[5] SGD 13/1/10.

received by 25th June, Crowther in his role as Premier, and in the absence of the Colonial Secretary, urged them to an immediate response.[6]

Bromby also wrote to the Commissioners on 16th June, the very day they concluded the taking of evidence, requesting leave of absence for Mrs Kenny:

> You will easily understand that she feels herself placed in a very delicate position; and that as it is a part of her duty to meet Dr. Huston professionally every morning and to go over the Asylum with him, she very reasonably feels it to be something more than embarrassing to have to fulfil those duties in her present relations to Dr. Huston.
>
> Besides this she is in a delicate state of health, brought on by an injury received from one of the patients in the Asylum and aggravated by the unpleasant nature of the enquiry which is still pending.[7]

After a special meeting of the Board at New Norfolk on 1st July, at which the Commissioners accepted the Enquiry's exoneration of their Surgeon-Superintendent and, *ipso facto*, the guilt of their Matron, she was suspended, pending the Board's recommendation to government that she be dismissed. Gertrude Kenny had responded immediately by leaving the Asylum, and three days later initiated a counter-attack by sending the Board a letter of resignation and visiting Robert Blyth, Dr Crowther's brother-in-law, in his capacity as Police Magistrate, in order to lay an official charge against Dr Huston.[8] On the following Monday morning, 7thJuly, in a memorial that covered seven pages and reworked the details of her complaint against Dr Huston, she petitioned His Excellency, Governor Weld, not to allow the Commissioners' decision to seek her dismissal to be ratified:

> I now humbly submit to Your Excellency – That I have done nothing justifying my suspension by the Commissioners. That no one can believe it possible that I could have falsely charged Dr Huston; for Your Excellency will see the trouble and anxiety, and loss of a good and lucrative position, which has been entailed upon me by making his conduct known, and which I could not but have foreseen would be the consequence of this publicity. That up to the time when

[6] CSD 10/72 1776.
[7] Kenny v. Huston, pp. 14-15. She was allowed a week but was then obligated to return, even though the Commissioners had not yet released their findings.
[8] CSD 10/72 1776.

> the outrage was committed I had always been on the best of terms with Dr Huston, and had always spoken well of him, and of his kindness to me in my illness. That I had nothing I could possibly gain by bringing a charge against him, but everything to lose; and although, if Dr Huston remains at the Hospital I could not retain the position the acceptance of which has unfortunately brought some trouble upon me, which has caused the ruin of my health, and has destroyed my peace of mind, I humbly pray Your Excellency that the person who has so improperly behaved to me may not be now allowed, in order to save himself, to destroy my good character, and to ruin and impoverish me for the rest of my life.
>
> And I humbly complain – That I have been unfairly and most harshly dealt with. That I have not had justice done to me. That if I have done anything which could be found fault with it was only in listening to the advice of those whom I believed to be, and whom I had reason to believe to be, best able to advise me. That in my distressing position I could not have been expected to have done other than what I did, naturally shrinking from making public such odious conduct on the part of one who was placed over a large establishment, and under whose power I felt myself to be so completely.
>
> And I pray Your Excellency – That justice may be done me, and that you will not allow a decision of the Commissioners to be confirmed.[9]

Although Reibey, the Colonial Secretary, had been instrumental in obtaining the Commissioners' report, which might otherwise have remained in-house, and had also supported her claim for expenses, he was less than enthusiastic when on Tuesday, 8th July, Gertrude Kenny paid him a visit, armed with her testimonials and seeking his advice.[10] Both her visit and his reluctance may well have stemmed from another imbroglio in which he, Crowther and Bromby had been involved and which, after three years, was still coming back to haunt them. The case involved Louisa Hunt who was tried, found guilty, and sentenced to seven years for arson and insurance fraud. Her legal counsel had been Bromby, who was also the Attorney-General at the time. Reibey

[9] Kenny v. Huston pp. 17-18.
[10] CSD 10/72 1776.

was Premier, and Crowther Minister without portfolio.[11] Bromby had appealed to the Governor for a pardon which was granted. The Chief Justice, Sir Francis Smith, who also presided over Gertrude's trial, and whose wife had been on the Ladies' Committee of the Girls' Industrial School, objected to the Executive assuming the function of an appeal court. The case was recorded in a swathe of parliamentary papers; it involved the Colonial Office in London and dredged up individual scandals in Tasmania.[12] Less than a month before Gertrude Kenny turned up at Reibey's office, and at the time the Commissioners were deliberating on her charge against Huston, a motion was put in the House of Assembly for the Governor to lay all correspondence addressed to him and relevant to the Hunt case that would support the following motion, put by Mr Chapman in the Legislative Council:

> that in the Opinion of this Council the conduct of the Hon W. L. Crowther, the Hon Thomas Reibey and the Hon C. O'Reilly, in memorialising the Secretary of State in reference to Their Honours, the Judges, was unbecoming and unwarrantable.[13]

Comparisons between the Hunt and Kenny cases were frequently made during the latter half of 1879.[14] The *Cornwall Chronicle* wrote that a 'fatality for awkward scandals' seemed to attend the Crowther–Reibey Government, 'and the Kenny case bid fair to rival the notorious Hunt case in its influence on the fate of Governments, while it certainly surpasse[d] it in its unsavoury character'. The *Mercury* commented that the Government had 'hardly got out of the Hunt scandal with tarnished reputation, when they tumble head over ears into an alliance with Mrs Kenny, which in their position, is too disreputable to them, and calculated to bring the Colony into contempt'.[15]

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[11] Thomas Reibey, Premier and Colonial Secretary; Charles Meredith, Colonial Treasurer, Charles H Bromby, Attorney-General; Christopher O'Reilly, Minister for Land and Works; William Crowther, without portfolio. Fenton, p. 366.

[12] Parliamentary papers relating to Hunt case: HA*J*1877/3; LC*J* 1877/9; HA*J*1877/27; LC*J* 1877/34; LC*J* 1878/36; LC*J* 1878/118. See also Fenton, p. 366. Reibey, when asked to form a government in July 1876 had proposed Crowther as Premier because he anticipated political embarrassment and personal opposition from the Chief Justice: 'I hold Sir Francis responsible in the sight of God and man for much of the embarrassment which met the Reibey Ministry, both in and out of Parliament – and also for the cruel, unmanly and vindictive assaults made upon me personally as head of that Ministry'. LC*J* 1878/118, pp.16-17.

[13] House of Assembly, Notices and Motions of Orders of the Day, 11 June 1879, p. 336.

[14] *Mercury*, 31 July; 10, 26 September; *Argus*, 27 September 1879; *Cornwall Chronicle*, 1 October 1879.

[15] *Cornwall Chronicle,* 1 October 1879; *Mercury,* 24 August 1879.

It was on Wednesday, the day after her less than successful visit to the Colonial Secretary's office that Gertrude Kenny, accompanied by Lucy Grant, travelled to New Norfolk and was subjected to the riot of rough justice at the Asylum. Given the terrifying nature of this display of malevolence, Gertrude's reaction demonstrated quite extraordinary presence of mind, combining both a sense of the dramatic and political astuteness. The night of the effigy burning, neither of the women in the Matron's Cottage had gone to bed. It was piercing cold, and the women had no fuel.[16] Gertrude rested on the sofa while her companion sat up in a chair, and there is strong evidence to suggest that at least part of the sleepless night had been usefully employed in calculating her next move, and how best to turn the riot to her advantage in eliciting public sympathy prior to the Supreme Court hearing. The following morning, although she would herself stay on in the cottage, she instructed Lucy Grant to return to Hobart and inform the authorities about the disturbance. The archival records contain the statement sworn before a Police Magistrate the following day, but it appears that it was originally taken down by the Colonial Secretary in his office.[17] In the House of Assembly, Mr Giblin would later refer to it as having been 'reduced to writing in [the Colonial Secretary's] own hand' and Legislative Councillor, Mr Chapman, attempted to 'picture the scene' to his fellow honourable members: 'the Colonial Secretary's office, at half-past 4 o'clock in the afternoon … the Colonial Secretary sitting at the table with the gas turned on, and then Lucy Jane Grant starts as follows … (interruption)'.[18]

In her statement filed with the correspondence related to the disturbance, Lucy Grant gave a vivid rendition of the riot itself and further tinkettling on her departure from the asylum: 'I was terrified. I went down on my knees, and asked the man at the gate to let me out as I wanted to return to my infant in Hobart Town.' She told Reibey of the dire circumstances Gertrude now found herself in: 'I left Mrs Kenny at 7 o'clock this morning in her cottage. She had nothing to eat except a little dry bread and tea in the house – no candles & I do not know how she will get through the night.' The statement was signed at 5.44 pm. The Colonial Secretary acted without hesitation, and transmitted an electric telegraph to Dr Huston:

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[16] *Evening Star*, 13 June 1879.
[17] CSD 10/1/73/1801a.
[18] *Mercury*, 10 September 1879.

> Immediate explanation is requested respecting the proceedings reported to have taken place within the precincts of the Hospital yesterday upon the occasion of Mrs Kenny proceeding to her Quarters to remove her effects.
>
> The Surgeon-Superintendent will at once see that proper protection and food is afforded to Mrs Kenny.
>
> Sgnd Tho. Reibey
>
> 10th July 1879.

It produced a lightning response. At 6.11 pm Huston telegraphed back that Macfarlane had at once quelled 'the unseemly exhibition of feeling' and that it was unlikely to be repeated. Food had been sent to Mrs Kenny, he wrote, but she had refused it. Reibey also telegraphed Alexander Riddoch, one of the Asylum Commissioners:

> Reported here that gross outrage was committed yesterday upon Mrs Kenny within the precincts of the hospital and that she is detained without food or protection. Please see her at once and if necessary have her removed.

News of the disturbance had already reached the Commissioner. Police Constable Thorne's attention had been drawn to the Asylum because he had heard the 'clattering of tin dishes and hooting' from the street. He was told 'they were tinkettling a woman out of the institution', but because it was taking place inside the yard he was unable to intervene. He did, however, pass this information on to his superior who contacted Riddoch. That same afternoon the Commissioner visited Gertrude Kenny, offering her assistance and suggesting she return to Hobart. But she declined, saying she had been without nourishment all day, was too ill to travel alone, and that it was too late to embark on the journey. She asked him to send for James Stevenson, the Superintendent of Police, so that she could make an official complaint. Stevenson turned up soon afterwards but told her he could only inquire into matters at Huston's request. She told him she was afraid to leave the building and he said he would protect her but,

> She said she did not desire to leave the building that night as she was not dismissed, and could stay if she liked.[19]

[19] CSD 10/1/73/1801a.

On Friday, the plight of Gertrude Kenny, and her ability to draw attention to it, was eclipsed by the state funeral of Sir Robert Officer who had died on Tuesday, in spite of the 'assiduous attentions of Drs Huston and Macfarlane and his old friend Dr Agnew' who as well as Mrs Tarleton, Dr Officer's daughter, were there at his death.[20] On Friday morning New Norfolk's elite, including Commissioner Riddoch, Drs Huston and Macfarlane, departed the township *en masse* to attend the funeral in Hobart. Before he left, Riddoch, after conferring with Stevenson, telegraphed Reibey to say that Mrs Kenny would be leaving that day and arriving in town at three. Gertrude stalled all Stevenson's further attempts to escort her off the premises on Friday and Saturday morning. She told him first she was too ill to travel alone and was 'trusting that some friends would send up to my assistance', but then that she was afraid. When he came with Dr Macfarlane, who guaranteed her safe passage, she said she was 'in bodily fear of Dr Huston and Dr Macfarlane', having heard that they had been present during the riot. She would not leave with the Superintendent of Police because he had no jurisdiction over the Asylum. She said she would only go with the 'escort or protection of a Commissioner, naming Mr Riddoch'.

> On Saturday morning Mr Riddoch called … I informed him that the Superintendent did not tell me he had called by his (Mr Riddoch's) instructions nor that the Colonial Secretary had been telegraphed to – and further told him that as …the Superintendent …had said that he … was powerless to act except under Dr Huston's instructions I did not feel safe in accepting any assurance. I agreed to leave under Mr Riddoch's protection as I was ill and needed medical attendance and nursing and nourishment. He went away and returned with the buggy and I left the Asylum under his escort.

If the Colonial Secretary had been otherwise occupied on Friday, he was back on Gertrude Kenny's case on Saturday. He wrote an official letter to Henry Butler as president of the Commissioners, saying the government understood that Mrs Kenny had been 'subjected to gross insult from the inmates, and indeed that her personal safety was in jeopardy.' Invoking Lucy Grant's statement, he believed that it revealed 'a state of things that calls for a most searching inquiry into the conduct of both the Officers and Servants of the Hospital, and which, if substantiated, reflects much discredit on all concerned'.

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[20] *Mercury*, 10 July 1879.

The following Friday, 18th July, and the day before Gertrude made her own statement, the Commissioners held a special meeting to discuss the statement made by Lucy Grant as well as a letter the Board had received from fourteen nurses who confessed to participating in the riot. They decided firstly that Dr Huston, as Surgeon-Superintendent, be ordered to lodge information against the nurses, 'charging them with misconduct under the Masters and Servants Act', and secondly that a subcommittee should be appointed to investigate whether or not the officers had played any part. The subcommittee would be made up of all the Commissioners, apart from Jamieson, who had not already been part of the enquiry into Gertrude Kenny's accusation of rape, namely F M Innes, Alexander Riddoch, Councillor R C Read and W S Sharland.[21] It was in response to this subcommittee that Gertrude Kenny, ten days after the riot, made her own statement about what had transpired at the Asylum. She also drew attention to her physical and mental state since her return:

> On my arrival in town by the midday train on Saturday I was and afterwards continued so weak, nervous and prostrated in consequence of what I had been made to suffer that I had to keep to my room almost continuously ever since until yesterday. I omitted to say that a small piece of raw meat and a few raw potatoes were sent to me on Saturday morning just before I was leaving. I returned them – I was too ill to make use of them.[22]

When Gertrude Kenny made her statement it was only a week away from the hearing of her charge against George Huston, and her delay may have been not only due to her illness but also the result of an astute sense of timing in the campaign to gain public sympathy. Her reference to the raw meat and potatoes follows several references to having been without any food or fuel night after night, but other evidence suggests that this was not so much because she had no access to these necessities but because she refused anything that was offered; a response compatible with pride and an unwillingness to accept anything grudgingly or offensively presented. But it is also suggestive of an astute awareness of the effect representing herself as victimised might produce in the upcoming contest between good and evil that would be played out in court. In precarious and perhaps contradictory balance with this, she was positioning

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[21] CSD 10/1/73/1801a.

[22] Ibid. Statement made 19th July 1879. Crowther examined Gertrude Kenny medically sometime in July, possibly after her return from New Norfolk. *Mercury*, 11 September 1879.

herself as, in Brodkey and Fine's terms, within the dominant discourse rather than as the subject of it.[23] She could attempt to recast the damaging image created by the enquiry and place herself on the side of reason and civilisation, in contrast to the uncontrolled, savage behaviour of the Sairey Gamps and lunatics at the Asylum, reminders of an undesirable past that simmered only too close to the colonial surface. Furthermore, in this telling, Huston was recast as a man who had either lost control over his employees, or as someone who condoned such pagan practices. Gertrude Kenny, or Lucy Grant as proxy, had not only come to town with a story to tell but also with an artefact. As if to underscore this tale of savagery, a half charred arm of straw which had been flung against the front door of the Matron's Cottage by a nurse the day after the riot was delivered to the Colonial Secretary. Reibey still had it in his office two months later when colleagues referred to it as a 'relic' and a 'curiosity'.[24]

At the time of the riot, Gertrude Kenny may well have expected, and certainly would have hoped, that her rape charge against Dr Huston would go to trial and that the story of the riot at the Asylum would reach the ears of potential jurymen as well as gaining her more general public support. But in spite of the high level of official activity around the effigy burning and tinkettling, the *Mercury* assiduously refused to give it column space and so hampered the empathy Gertrude Kenny might have garnered from the broader public.[25] And because the charge against Dr Huston was dismissed, there was no jury whose empathy she might have won; no jury to whom she could be presented as the victim of a symbolic act of annihilation through fire, conflated with that incurred by rape; and so no one to whom Huston could be configured as not only the perpetrator of sexual assault but also as agent, collaborator or negligent bystander in this savage ritual.

The Commissioners had already distanced the 'officers' by dealing separately with the nurses, a process facilitated by the structure of employment which categorised the former as public servants, whose appointments were decided by government, and the latter as servants of the Board. As a result no nurses below sub-matron gave evidence to the enquiry. Messrs Innes, Riddoch and Moore, writing to Reibey, said they had 'limited the scope' of the enquiry to whether any of the 'principal officers' (Huston and

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[23] Brodkey & Fine, p. 151.
[24] CSD 10/73 1801a; *Mercury*, 11 September 1879.
[25] The only reference was a letter from 'An Old Attendant', who repudiated any officer involvement in the incident that was referred to in a 'sensational paragraph in another paper' on 12 July. *Mercury*, 16 July 1879.

Macfarlane) were implicated in 'the irregularities'; whether they failed to suppress them; and 'whether the disturbance at any time assumed the "appalling characte"' represented by Mrs Kenny and Mrs Grant. This further subdivision of hierarchy between principal and subordinate officers created yet another cushion of separation between Dr Huston and the effigy burning. The Commissioners concluded that the disturbances were

> highly discreditable to the subordinate officers who took part in them, and that they could not have occurred without such an amount of combination and previous concert as should have led to their discovery and their being effectually prevented.

But the “appalling” they would not allow. 'Disorderly and insulting it must have been, and calculated to alarm Mrs. Kenny and her companion.' Nor would they entertain Gertrude Kenny's projection that she 'could not, without sustaining any personal injury, have left the Hospital according to her original intention'.[26] Nevertheless, in spite of these findings and the silence of the press, Gertrude Kenny's patronage by Crowther and his coercion of Reibey ensured the riot narrative's later strategic deployment.

If the *Mercury* was silent about the riot, the same could not be said when it came to William Crowther's championing of Gertrude Kenny's case. There were rumblings during the hearing when an editorial comment under the heading 'The Premier in Court', stated that it was the paper's 'conviction that the Premier was favoured with a subpoena, not because of the evidence he could give, but as a pretext for being in court'.[27] Once the case was no longer *sub judice*, the *Mercury* took up the attack seriously in its editorials. The Premier had, 'ostentatiously and without any excuse calling for his interference [given] his guarantee, from personal knowledge, that the late prosecutrix, the prisoner that is to be, was incapable of telling a lie'.

> The case, besides its villainy, has a political aspect imparted into it by the indiscreet – if indeed we ought not to apply the term of stronger reprobation – conduct of two … gentlemen who have now the honour of guiding his Excellency's councils … if the two ministers specially referred to and their colleagues desire to wipe away the reproach they will take care that the machinery of the law is put in force against the woman who has, judging by

[26] CSD 10/1/73/1801a.
[27] *Mercury*, 28 July 1879.

> their own version of what has taken place, duped two of them … it may be unpleasant for the Premier to have his confidence in human nature so rudely shaken, and to find the idol of gold he has worshipped all these years to be after all but "a vessel made of clay, marred at the hands of the potter".

The *Mercury* accused Crowther of assuming Dr Huston's guilt when he wrote to the Commissioners and, more seriously, of trying to influence a witness. The Colonial Secretary was more lightly disparaged. He must have often felt, they imagined,

> What an advantage the injured Mrs Kenny was taking of the immunity extended to her sex, in so repeatedly intruding on his business hours. Believing no doubt that he was rising to the loftiest traits in the character of a true Samaritan, … he did not turn her away telling her to consult a solicitor, or hand her over to the courtesies of a clerk. He was too tender of her reputation, too careful lest any might do her harm. Therefore with his own ears he listened to her tales of sorrow, with his own hand he traced the story on the sheets of foolscap, and sending these to the Commissioners, told them to do their duty.[28]

Reibey responded immediately to this elision of Gertrude Kenny and Lucy Grant and somewhat disingenuously distanced himself from any immediate relationship with Gertrude. He issued a press release about his version of what had transpired when Gertrude visited him prior to returning to New Norfolk. Reibey had told her that 'he did not wish to discuss the case with her; as it was in her lawyer's hands she had better see him: and that it was quite impossible for him to give her any advice in the matter…if Mrs Kenny wished to communicate with him she should do so in writing and address him officially as Colonial Secretary'. Both he and Crowther, although champions of Gertrude Kenny's case in word and deed, would frequently disengage in this way. Both repeatedly denied that they had had any inkling of the alleged assault on Gertrude Kenny prior to the Commissioners' enquiry. When Legislative Councillor, Mr Chapman, called the Premier and the Colonial Secretary 'godfathers' to Gertrude's cause, Crowther protested that 'a grosser slander, a greater libel, the Honourable member for Buckingham never uttered. I have nothing to do with the case, and never heard of it.' Referring to the two men, but absorbing them metaphorically into the persona of Gertrude Kenny, the *Mercury* quipped: 'but may not the language of Gertrude to

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[28] *Mercury*, 31 July 1879.

Hamlet regarding the play queen be applied, when she answered, "the lady doth protest too much, methinks"'.[29]

The *Mercury* was not the only press organ to comment. The *Tasmanian Mail* remarked on the certain political effect of the Premier's involvement. Furthermore there were,

> very ugly rumours afloat in relation to the part which the Premier is said to have played in promoting the charge against Dr Huston, and also in regard to the reasons which have actuated him in so doing.[30]

It was not only the Kenny/Huston reputations that were being drawn into Fama's trumpetings, but Crowther's too. Although the *Tasmanian Mail* appears to be supporting Crowther, stressing the imperative 'that these canards should be tested', it also suggested that they might be true: 'We … do not envy Dr Crowther the feelings with which he may regard the complete exposure of the whole proceedings.'[31] A letter published in the *Mercury* from Aescilapeus called for Gertrude's personal history to be exposed: 'We would like to hear of her sayings and doings with other doctors beside the ingenious Premier'.[32]

Gertrude Kenny instigated proceedings against the *Mercury*, apparently in response to its presumption in the words 'the late prosecutrix, the prisoner that is to be', and the paper's report that suggested Huston would be pushing for a charge of perjury.[33] But, the *Cornwall Chronicle* noted, 'it seems that gentleman means nothing of the sort, and the *Mercury* has become involved in a libel action at Mrs Kenny's suit'.[34] The prosecutor identified by the *Chronicle* was Mr Crisp, the Crowther's family lawyer.[35]

Although Crowther's litigious hand is strongly indicated in this action against his long-standing antagonist, Gertrude Kenny was pursuing her cause on other fronts. On 4th August, the day before the Commissioners' monthly meeting, in an attempt to pre-empt her dismissal, she wrote them a letter of resignation and submitted two claims: one for

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[29] *Evening Star*, 1 August 1879; *Mercury*, 10 September 1879.
[30] *Tasmanian Mail,* 2 August 1879.
[31] Ibid.
[32] *Mercury*, 1 August 1879. This letter also calls for the exposure of Gertrude's 'sayings and doings' at the Girls' Industrial School: 'The fruits of her doings there is now being manifested in the condition of nearly all the girls who were under her tuition.'
[33] *Mercury*, 28 July 1879.
[34] *Cornwall Chronicle*, 4 August 1879. The Attorney-General noted on 12th August that Huston had thought it might look vindictive if he laid a charge against Gertrude Kenny. SGD 13/1/10.
[35] *Mercury* Supplement, 18 April 1885.

£12 10 for her July salary and one for £10 9 to cover her expenses in attending the Committee of Enquiry into her charge of rape against Dr Huston.[36] Their response, referring the resignation to the government, and their refusal to recognise her claims would have reached her almost immediately, as would their decision to advertise for a new matron.[37]

Meanwhile Crowther, with Reibey's support, began to place his political clout behind Gertrude Kenny's case by organising the proceedings and findings of the Committee of Enquiry to be printed as official papers. The proceedings had been selectively, but substantially, published by the *Mercury* on 5th August. Although the newspaper included Crowther's character reference, it made no mention until three weeks later, when it also received a copy of the printed transcript of correspondence relating to the riot, of the copious addendum comprising the multiple character references Gertrude Kenny had lodged with the Colonial Secretary prior to the riot and the appeal she had made to the Governor. At this point the *Mercury*, calling forth the indignation of years of sparring with Crowther, exploded:

> Have ministers parted with their senses? Are they lost to every feeling of self-respect? Have they no regard for propriety, and are they prepared to outrage public opinion? … A short time ago, they published a report of the proceedings before the New Norfolk Asylum Commissioners, to which in their desire to whitewash Mrs Kenny, their added pages of testimonials in her favour, but strangest of all, the lengthy memorial by Mrs Kenny to the Governor, in which she indulged in the greatest charges against Dr Huston, his private character being slandered … Not content with the filth thus raked up, ministers have for some reasons best known to themselves, just published twelve pages of closely printed type, giving all the importance of a state document to the ridiculous complaint of Mrs Kenny as to the tinkettling the servants of the Asylum honoured her with.

The part played by Reibey, as revealed in the second paper, drew scathing criticism from the *Mercury*. His willingness to act on unsubstantiated evidence, they wrote, 'would reflect ridicule on any old woman who could have listened to and been deceived

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[36] CSD 10/72 1776.

[37] The dismissal of an officer suspended under Section 8 of 22 Victoria, 23 had to be referred by the Commissioners to the Government-in-Council. Gertrude would attempt to withdraw her resignation. Commissioners' meeting, 5 September 1879, CSD 10/72 1776.

by any such evidently got up case'. The *Mercury* cited the findings in the report that the disturbance had been 'grossly exaggerated,' and added: 'in the face of this, how the ministers could have been infatuated enough to rush into print, is one of the puzzles they are ever presenting for public solution'.[38]

The printing of these two papers which, as the *Mercury* indicated, resembled state documents but were 'not privileged, not having been authorised by Parliament', introduced a debate that revealed the mechanics of the authorial voice in this British colony. Parliament was not sitting during these interchanges, but it opened with an inauspicious start on 9th September. Although attended by the pomp and ceremony of the Tasmanian Rifle Regiment's guard of honour for His Excellency the Governor (under the captaincy of Captain O'Boyle), and the National Anthem played by the regimental band, the Governor's speech, delivered from the dais in the Legislative Council, was described in the opening lines of the *Mercury*'s editorial the following day as 'EX NIHILO NIHIL FIT'. It was, they wrote,

> the most meaningless and contemptible effort … that has ever been submitted to any deliberative body of Englishmen … As a stump oration by a sable minstrel, or a flight indulged in by the corner men, Tambo and Bones, it might have passed muster. Either ministers meant to caricature the form of Parliamentary procedure in which an opening speech constitutes a leading feature, or they spoke from the innate emptiness of their official capacity.[39]

The Kenny case would dominate the proceedings. After the formality of the opening ceremony, Reibey in the House of Assembly, and Crowther in the Legislative Council, presented some 49 papers to be ratified for printing as Parliamentary documents. In the Lower House, Opposition Leader, Giblin, moved that three, all referring to the New Norfolk Hospital for the Insane, be withdrawn. Two of the three were the ones relating to Gertrude Kenny.[40] Giblin, who had acted as Huston's legal counsel during the rape hearing, complained, as would his colleagues in the Upper House, that the Kenny versus

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[38] *Mercury*, 21 August 1879.
[39] *Mercury,* 1 October; 10 September 1879.
[40] The third paper, 'Correspondence on the Removal of Imbeciles', related to the selection of 'inmates' of the Asylum who could be sent to Port Arthur now that it was being converted from a penal station to a charitable institution. Giblin 'thought it very unnecessary that tender and private feelings should be hurt by printing names which need not be printed. He alluded to the names of those who were marked "gentleman patients".' His objection was to their *names* 'herding among criminal lunatics'not that they would be sent to Port Arthur (which they weren't). *Mercury,* 11 September 1879.

Huston document was masquerading as the Commissioners' report. The Premier may only have been guilty of a mistake when he, 'out of the kindness of his heart, and with a desire to do a good turn to an old servant', wrote his letter to the Committee, 'but it should not form part of the records'. Nor did the testimonials or memorial have a place in such a report.

> He objected to making a permanent portion of the volumes of the records of the proceedings of this house – page after page, of the filthy imaginings of a depraved woman – to be printed here and circulated under the authority and sanction of this House of Legislature. (Hear, hear).[41]

In the Legislative Council, much of the debate was similarly framed around the kinds of discourse that were appropriate to Parliamentary consideration and recording. Mr Dodery objected to the 'Council, upon the first occasion of its meeting for the new session and to consider the business of the country, [having] unsavoury and unwholesome subjects thrust upon it'. Mr Chapman moved that the two Kenny documents, 'be not printed, or in any way made Parliamentary records'; he strongly objected to the publication of 'such slanders to the world by its authority'. Chapman used ridicule to distance himself from the actions of the Ministry, mocking the Colonial Secretary for taking down 'such rubbish' as Lucy Grant's statement, and showed the assembled members that her signature had been a mere X. His advice was that the ministers 'should drop these dirty papers, unless they decide to send them to the Sydney exhibition to show how the public business was conducted in Tasmania'.

Crowther's defence of the publication of the inquiry into the riot and his description of the burning effigy whose arm now rested in the office of the Colonial Secretary were met with derisive laughter. ' Hear, hear,' the *Mercury* reported Mr Chapman as having said, 'send it to the [Sydney International] exhibition. (Loud laughter)'.[42] In spite of the laughter, the colony's past was still firmly embedded in the minds of these men and

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[41] Reibey protested. In the flowery language of the Parliamentary reporter for the *Mercury*,'at this very apt description of the outpourings of the woman's mind stirred within him the righteous soul of the Colonial Secretary that degree of virtuous indignation that he defended the unseemly part he had himself taken, by expressing a sorrowful hope that Mr Giblin would yet repent himself of the wrong he had done this paragon of truth and female virtue.' Giblin was not diverted by this interruption and went on to the second, 'more pitiable' paper. It was, he said, 'absurd to ask that there should be bound up in the records of the House a statement about some kerosene cans, under the heading "Disturbance at New Norfolk" … The whole document was preposterous; and why the legislatures should be gravely asked to bind up these old wives' fables passed his comprehension.' *Mercury*, 10 September 1879.

[42] Ibid, 11 September 1879.

there appears an underlying anxiety about Tasmania being positioned as an object of curiosity, an exhibit rather than a member of a civilised empire that controlled the gaze. And certainly news of the Kenny case had travelled beyond the shores of Tasmania. Writing for the Melbourne *Argus*, a Tasmanian correspondent wrote about the 'fatality for awkward scandals' attending the Crowther–Reibey Ministry, and referred to its 'unsavoury character and the strange want of discretion' of the two ministers; and the *Mercury* provided full details of the court case and Parliamentary proceedings in its monthly summary for the overseas market.[43]

The motion to withdraw the Kenny documents from printing was won by six to three in the Upper House. Crowther's case had not been helped by his aspersions during the debate on two of the Commissioners, Agnew and Innes, who were fellow members of the Legislative Council. Giblin lost his motion in the Lower House. He had on his side both Dobson, Huston's legal counsel, and Mr Salier.[44] Those against his motion included the Attorney-General and Edward Crowther, William Crowther's son. The motion was lost by a narrow margin; a result, Giblin implied, that had only come about because the House was stacked with government supporters. He vowed that this would not be his last effort to move 'that the obnoxious papers be expunged'. [45]

Tensions within the Ministry about the conduct of the government in Gertrude Kenny's cause can be traced back to July in the Attorney-General's terse annotations on queries and letters sent to him by the Colonial Secretary. In response to Reibey's recommendation (contra the Commissioners) that Gertrude Kenny's claim for expenses incurred by attending the enquiry should be paid, Dodds noted, 'that unless it is decided to entirely ignore this decision (false accusation) claim should be refused'. This is perhaps the memo he was referring to in his next response of 14th August:

> I presume the Colonial Secretary desires my opinion whether Mrs Kenny should be dismissed. I have already by memo of the 8th inst. given my views on this point. The Hon the Colonial Secretary's memo would have been answered

[43] *Argus*, 27 September 1879; *Mercury*, 1 October 1879.
[44] Salier's wife, as mentioned earlier, was a member of the Ladies Committee, and behind Gertrude Kenny's resignation from the Girls' Industrial School).
[45] *Mercury*, 10 September 1879.

> before this if the evidence forwarded within it had not been taken away almost immediately after its receipt.[46]

There is a strong suggestion that a major falling out had occurred within government ranks, especially between the Attorney-General on the one part, and Crowther and Reibey on the other; and that at its core had been the criminal prosecution of Gertrude Kenny for perjury. Around 8th August, after conferring with Huston's solicitors, Messrs Roberts & Allport, together with Dodds had decided to institute the proceedings that resulted in the perjury trial and the hung jury.[47]

[46] CSD 10/72 1776.
[47] *Mercury*, 9 August 1879.

CHAPTER SEVENTEEN

YOUR HUMBLE, OBEDIENT SERVANT

The indeterminate conclusion of the trial left Gertrude Kenny in an ambiguous discursive space, a contested site, open still to negative inscriptions. But while her guilt was repeatedly and publicly inscribed by her detractors, she immediately set herself the task of filling the lacuna with a different configuration. Under the guise of raising a subscription to cover the costs of her trial, the following appeal, printed with columns for names and amounts, was made to the public:

> Case of Gertrude Kenny, Matron of the Asylum at New Norfolk, illegally removed from her office, and unjustly prosecuted for alleged perjury.
>
> The sympathy and benevolence of the public are solicited on behalf of Gertrude Kenny, The Matron of the New Norfolk Asylum who entered upon her duties at that institution on the 1st January 1878, with the highest testimonials as to character, such character never having been impugned until a complaint was made by her as to an act of violence on the part of the Superintendent, of which she was the subject. The parties concerned in this infamous affair, supported by the Commissioners, have endeavoured, but signally failed, to ruin Mrs Kenny, who has been put to great expense, suffered severe privation, as well as distress, physically and mentally. She has been forcibly and illegally deprived of her office, turned adrift upon the world without a shilling, shattered in constitution, and ruined for life by an injury received from a lunatic whilst in the execution of her duty. From the evidence adduced at her trial, and the action of the jury, she has been proved an innocent woman. Irrespective of her having no means of support, and fearing that another attempt may be made to harass her with legal proceedings, she is compelled, although reluctantly, to appeal for assistance and protection to those who may feel interested in her case especially, and the public generally.[1]

From the moment the *Mercury*'s attention was first drawn to this appeal, it honed into its political implications. The editors recognised in this not only the *modus operandi* of

[1] Ibid, 14 October 1879.

Crowther who had previously made an attempt to raise subscriptions and public sympathy to recompense him for his failed prosecution of the *Mercury* for libel, but also the address to which completed lists should be returned: Hanby Villa, the residence of Edward Crowther.[2] It then dissected the appeal to illustrate the ways in which the Premier had abused his position:

> He had not only sought pecuniary assistance for one in whom he took interest, but to enhance her claim to sympathy, had represented her as if legally deprived of office; unjustly prosecuted for perjury; as the taken for granted subject of an act of violence when that is the very question awaiting the decision of the Supreme Court. These alleged cruelties and injustices, without a particle of evidence to support them, every probability being against them, are branded by the Premier as an "infamous affair," and the Commissioners of the New Norfolk Asylum are distinctly charged with having supported it; with, in fact, having been guilty of infamous conduct, and with having conspired to ruin the Premier's protegé, who Mr Crowther, in the subscription list circulated by him, has declared an innocent woman; a conclusion he arrives at by referring to that evidence adduced at the trial, and action of the jury, which led the Attorney General to ask for, and the Chief Justice to grant, an order remanding her to the next criminal sessions.

It was, furthermore, unfitting for a Premier, 'to appropriate to himself the functions of the Supreme Court; to speak in the name of a jury not yet empanelled'.[3] What had begun at the beginning of the month as approbation of Crowther's behaviour, and the rebuke that as Premier of the Colony he was 'not entitled to soil his wings in any way he thinks fit',[4] had, within a fortnight, built up to more outspoken demands for his resignation:

> The claims of the Premier, Mr William L. Crowther, to the high position he holds, we shall not discuss. In what relates to scandals he is most at home, and his recent public exploits in this sphere of action, render his position as Premier of the Colony a public disgrace which all who hold dear the honour and good

[2] Ibid, 14, 15 October 1879. The same issue drew attention to another instance of Crowther's nepotism. At Crowther's insistence, the Attorney-General had reluctantly given the position of storekeeper at the gaol to A G Pogue, who had been witness to Gertrude's wedding and, according to the *Mercury*, assisted Crowther in some underhand electioneering.
[3] *Mercury*, 15 October 1879.
[4] Ibid, 1 October 1879.

> name of Tasmania should endeavour to remove. These two gentlemen [Crowther and Reibey] are the barnacles which the honourable member for West Devon so aptly described as sticking to the bottom of the state ship and injuring her progress.[5]

The *Mercury*'s exposure of Crowther's role in the propagation of the Kenny Relief Fund forced (or perhaps provide the opportunity for) the Legislative Council to take action and Chapman drew attention to the article at the sitting of October 13.[6] The following day, he laid a printed copy of the appeal on the table and, as President, moved a motion of censure against the Premier:

> That the conduct of the Honourable W. L. Crowther, the Premier of the Colony, in promoting an appeal to the public of Tasmania (on behalf of Gertrude Kenny, late Matron of the New Norfolk Asylum), in which grave reflections are made on the Commissioners of the Hospital for the Insane, is unwarranted, highly unbecoming, and deserves the censure of this Council.[7]

In putting the motion, the President, Mr Chapman, 'pointed out that it was very seldom that a case of this kind was disposed of by any legislature, and that his experience furnished no parallel in either the British or Colonial Parliaments'. Accentuating the class differences between Commissioners and jury majorities, Dr Agnew said that Mrs Kenny had been found guilty by two 'respectable' tribunals; the Supreme Court trial may have been undecided, but he did 'not think very highly of the opinion of juries, and should much rather take the opinion of Mr Whitefoord' than the 'lying, slanderous, calumnious documents' that said 'it had been proved that Mrs Kenny was an innocent woman'. Mr Innes, also a Commissioner, was more concerned with the spectacle created by the Premier's behaviour and the parody, as he saw it, of responsible government. On one hand they had 'an Attorney-General discharging this duty' while on the other the Premier was 'disidentifying himself with, and discountenancing the proceedings of his own Minister'. The *Mercury* was more outspoken:

> The Premier of the Colony, he who next to the representative of the Queen, should be an example of decorum, of courteous demeanour to all, a respecter of the law in others, and an enforcer of its obligations by his own example, has

[5] Ibid, 13 October 1879.
[6] Ibid, 14 October 1879.
[7] Legislative Council, Votes and Proceedings, 14 October 1879, pp. 33-34.

> so far forgotten the dignity of his office, in carrying out his personal purposes, as to have brought down on him the unanimous censure of the House which, by virtue of his office he should be leading. Had we not had repeated experience that he is wanting in that sense of honour which is presumed to guide gentlemen in his position, we should have expected that ere the setting of the sun that saw his humiliation in the Council, he would have placed his resignation in the hands of his Excellency … The Ministry of which he should be the chief cornerstone prays to be relieved of his incubus. [8]

Two days after this piece appeared in the *Mercury*, at 7 pm on 17th October, Giblin moved a motion of no-confidence in the government.[9] The no-confidence was voiced in response to the Crowther-Reibey intransigence in relation to their policy on taxation, a more manly motive for seeking a dissolution, perhaps, than the government's responses to the scandal at the New Norfolk Hospital for the Insane. It was passed by 15 to 14 votes, the Attorney-General voting with the government, as did Commissioner, Alexander Riddoch. The 'miserable majority of one' that had paved the way for the Crowther Reibey Ministry in December 1878, had now, according to the *Mercury*, 'as the avenging Nemesis, … relieved the Colony of an incubus that threatened to evict vitality and principal out of public men and public things'.[10] On 29th October Crowther handed the government over to Giblin, in whose new coalition Ministry Dodds retained his position as Attorney General and O'Reilly kept his as Minister of Lands. Agnew regained the position of Colonial Secretary that had been his prior to the appointment of the Crowther–Reibey Ministry.[11] The *Mercury* on this day reflected back to

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[8] *Mercury*, 15 October 1879.

[9] House of Representatives, Votes and Proceedings, 17 October 1879.

[10] The *Mercury* was confident that, 'after an interview with His Excellency, the only option for the Ministers would be to resign' (18 October 1879). In an abortive attempt to save face, Crowther and Reibey, in their respective Houses, laid two memoranda on the table purporting to be in chronological order, one addressed to His Excellency requesting him to grant a dissolution, and the second representing His Excellency's negative response to this request. The first memo, purporting to have come from the Ministry, had in fact been written by Crowther and Reibey, without the Ministry's knowledge or ratification. Nor had it ever been submitted to the Governor. After the *Mercury*'s exposure, the printed Parliamentary proceedings were withdrawn and replaced, this time with a re-dated memo, not from the Ministry but from the Premier. The unfolding events were covered in the *Mercury*, 21-5 October 1879 and summarised for the European edition of 29 October.

[11] The *Brisbane Courier* commented: 'In their small way they combine instruction with amusement, for it is really amusing, as well as instructive to watch, the *reductio ad absurdum*, in the little old-fashioned island community beyond Bass' Straits, of that transported bundle of institutions whose cultivation and healthy development offers so tough a problem to colonies of younger if more vigorous growth'. 25 November 1879.

Crowther's championship of Gertrude Kenny which, especially after his censure in the Legislative Council, should have brought about his voluntary resignation.[12]

The primary condition for Giblin's appointment as Premier was that it be a negotiated coalition that would end the stalemates that beset governments with a majority of one, and overcome the animosities of 'hereditary family feuds' that, James Fenton argued, played a more dominant role in decision-making than principle during this political period.[13] And it was perhaps in this optimistic climate, that on 8th December, a decision was made whose only record lies in the words 'not prosecuted', inscribed on the back of the final paper in the Solicitor-General's files on the Kenny case.[14]

If the government believed that with this decision, Gertrude Kenny would quietly retreat from public view, they had miscalculated her determination to regain public recognition of her good character and, if not retribution in a court of justice, then at least some compensation for the wrongs she had suffered. On the morning of 23rd December Gertrude made her way to the Queen's Domain and announced herself at the doors of Government House where she requested an audience with the Governor. The subject, she said, concerned colonial interests and legal questions. The Governor declined to see her himself, but in a note to Dr Agnew, the Colonial Secretary, said he had 'caused her to be informed' that any statement or petition would have to be made to him in writing.[15] Six days later, Gertrude Kenny visited the Bishop who, in his elderly hand, wrote out a petition for her. Perhaps, over Christmas, she had reconsidered her approach and objective, with or without the advice of others; or it may have been the Bishop who persuaded her to drop the 'Colonial interests' and 'legal questions', and concentrate instead on her future well-being:

The Petition of Gertrude Kenny

Hereby Sheweth

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[12] Yet he retained his seat in the Council, and his place in the Ministry, and allowed the sentence of dismissal to reach him through the action of the other branch of the Legislature, whose vote of want of confidence was no doubt hastened by the conduct of the Premier as presented without effect by the Legislative Council.' *Mercury*, 29 October 1879.
[13] Fenton, p. 371.
[14] SGD 13/1/10.
[15] CSD 10/72/1776.

> That I, the said Gertrude Kenny, was from July 1870 to November 1877 elected upon the superior testimonials which I was able to produce, Mistress of the Hobart Town Girls' Industrial School and discharged the duties with credit to myself and benefit to the institution as proved by the most ample certificates which have been laid before Parliament and the country.
>
> That I, the said Gertrude Kenny, was appointed Matron of the Insane Asylum at New Norfolk where, in the discharge of my duty, I received a personal injury from one of the patients, which incapacitated me from future active work or means of support.
>
> That I believe no reason has been or can be assigned why I should be deprived of a retiring pension and compensation to which every public servant is entitled and especially one who has devoted the benefit of her life in two successive positions of a public character, and has in the public service received an irremediable injury.

The petition is signed in Gertrude's hand:

> Your humble, obedient Servant,
>
> Gertrude Kenny

And endorsed by the Bishop:

> I beg respectfully to recommend very earnestly the above appeal in the interests of justice, having heard of no sufficient reason for which Mrs Kenny should not receive, according to the usual practice of the colony, compensation for bodily injury and loss of service.

The petition was accompanied by a note from Crowther, and countersigned by his son, Edward, recommending her request and describing her medical condition. She was, he wrote, suffering from uterine fibroid tumour:

> She is unable for any length of time to retain the erect position of the body or in any way labour for support. Her injury and resulting disease are irremediable.

> Her case is requiring immediate attention at the hands of the Executive Government.[16]

The Governor forwarded the petition to the Colonial Secretary who, in turn, forwarded it to the Premier who returned it to the Colonial Secretary with the comment 'to whose Department the matter belongs'.[17] The Colonial Secretary wrote to the Asylum Commissioners (of whom he was one), to ask them about the severity of Gertrude Kenny's injury, and the validity of her claim, but before he had received a response, the Kenny case again threatened to become the subject of a Parliamentary debate. In the House of Assembly, Dooley, one of Crowther's supporters, requested 'that all correspondence between the Government, the New Norfolk Commissioners and Mrs Kenny about her suspension', and any documentation relating to the appointment of another matron, be made available. And, he added, had the government received a claim for compensation from Mrs Kenny? The Colonial Secretary told Members the claim was being considered by the Executive Government.[18] A month later, in the Legislative Council, Crowther would himself put a motion to the Colonial Secretary on notice:

> If any Petition has been received from Mrs Kenny, the late Matron of the New Norfolk Asylum, praying for Compensation for injuries received at the hands of a Lunatic while in the execution of the duty; and if so, whether it be the intention of the Government to give effect to the same? In the event of the answer being in the affirmative, to move that the papers in connection with the same be laid upon the Table of the Council.[19]

The Asylum Commissioners were not prepared to openly pass judgment on Gertrude Kenny's claim for compensation, or whether her injuries 'still incapacitate[d] her from earning her livelihood, partially or wholly' although their supplementary information suggests they considered she had already been generously compensated. They indicated that although unable to perform her duties, she had been on full pay from the time of her injury until the end of 1878, and that she had also been paid for the period

[16] CSD 10/76/1951.
[17] 15 January, 3 February 1880, CSD 10/76/1951.
[18] House of Assembly, Votes and Proceedings , 5 February 1880.
[19] Legislative Council, Papers and Proceedings, 2 March 1880.

between 8th May (the day of the confrontation in the office), and 1st July when she was suspended.[20]

On 24th February, the Colonial Secretary, Dr Agnew, was finally in the position to respond to the petition. He informed Gertrude Kenny that while no one who had entered the public service after 1863 was entitled to a pension, her claim for compensation would be considered if she submitted to an examination by two 'Medical Gentlemen' nominated by the Government. A correspondence ensued in which these terms were negotiated. Gertrude Kenny expressed herself willing to undergo an examination by the government-appointed doctors with the proviso that two doctors of her own choice would attend also.[21] The Colonial Secretary objected,

> On the grounds that the Government are desirous of obtaining an unbiased report upon your present condition by two Medical Gentlemen who have not been in any way identified with, or taken part in, any of the past proceedings having reference to your case.[22]

Gertrude Kenny stood firm. It would not be her intention, nor that of her medical attendants, to bias the opinions of the government nominees, but she considered their presence 'necessary for my own protection'.[23] Drawing attention, perhaps, to both her good character and friends in high places, she chose this moment to write to the Colonial Secretary, asking for the return of the testimonials she had left with his predecessor prior to their publication as an addendum to the Commissioners' report.[24] She received no response on either count until late April when Dr Agnew, regretting the delay caused by his absence from the Colony, wrote to tell her that the government would make no concessions to her request for the presence of her own medical attendants.[25]

Up to this point, although she had moved from signing herself 'your very obedient servant' to merely 'your obedient servant', Gertrude Kenny's letters had been written on modest folded quarto sheets, but now she employed foolscap and wrote in her firm and confident hand:

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[20] Extract of meeting of Commissioners, 7 February 1880, CSD 10/76/1951.
[21] 28 February 1880, CSD 10/76/1951.
[22] 8 March 8 1880, CSD 10/76/1951.
[23] 19 March 1880, CSD 10/76/1951.
[24] CSD 10/72/1776.
[25] 23 April 1880, CSD 10/76/1951.

Sir,

I have the honour to acknowledge the receipt of your letter dated 23rd April and regret that while admitting that I should receive every consideration as regards the injuries sustained by me whilst in the discharge of my duty as Matron of the Hospital for the Insane at New Norfolk, you still adhere to the decision conveyed to me in your letter of the 8th ultimo without conveying any reason, why the request made by me should not be complyed with. I am not aware that it is customary in the ordinary routine of medical practice, for examinations of a special character, to be made by Medical Gentlemen upon females excepting in the presence of a third person and I cannot admit to the right of the Government to compel me to submit to any examination that the Medical Officers appointed by the Government may think fit to make except in the presence of my own Medical Adviser who, as I have before stated, will in no way seek to interfere. I must also remind you that the Commissioners of the Asylum at New Norfolk and I presume the government, are in possession of the testimony of Drs Huston, Butler and Macfarlane as to the nature of the injury received by me in March 1878 and from the effects of which I was confined to my bed until the September following, and it must be well known to the Government that my physical condition as the result of that injury has been such to entirely preclude the possibility of my working for my support. I am painfully aware that this disease of which I am the subject as a result of the injury referred to will be progressive in character, tending not only to weaken but actually shorten my existence.[26]

There is a pause in the correspondence but, on 4th August, Gertrude Kenny was told that the Government was prepared to comply with her request. Government appointees, Drs Smart and Bright would examine her in the presence of Dr Crouch, her own medical adviser. She was asked to appear at the quarters of the Lady Superintendent of the Hobart Hospital on Tuesday, 10th August at 11 a.m.[27] On the 19th, Dr Smart wrote to the Colonial Secretary, telling him that Mrs Kenny was suffering from

[26] 19 May 1880, CSD 10/76/1951.
[27] 4, 7 August 1880 CSD 10/76/1951.

a large solid tumour involving the substance of the womb and that in all probability it would slowly increase in size. Already it was large enough to be 'a severe hindrance to her obtaining a livelihood by any active occupation' and it would most likely 'compel her altogether in the course of time to lead the life of an invalid.' The letter, passed from the Colonial Secretary to the Premier to the Treasurer who, before returning it to the Colonial Secretary again on 2nd November 1880, noted on one corner:

> £250 to be given to Mrs Kenny for injuries received.

CONCLUSION

Gertrude Kenny's origins remain obscure but her demand to be heard persists through the pages that have been left behind. She was born into a regime that placed a high value on utilitarianism; citizens were urged to 'better' themselves. But it was also a regime that adhered rigidly to social classification — mocking those who tried to 'rise above' their stations; and valued silence and obedience in women — questioning the moral integrity of those who threatened the boundaries by speaking out.

Gertrude Kenny had ambition, a characteristic that was unbecoming to her gender; and a sense of entitlement that was unbecoming to her class. These two qualities repeatedly placed her in positions that tested the boundaries of acceptability. The Alice Gordon who had the audacity to aspire to a new life by migrating to Tasmania could be construed as a virtuous, civilising influence on the colony, or as irredeemably depraved for having undertaken the journey 'without a natural protector'. Her action in taking her first employer to court exposed her as someone prepared to subvert the power relationship between servant and master, and place self-interest over and above the bourgeois concept of servant loyalty. Leaving her husband within weeks of marriage challenged the notions of honouring and obeying that Gertrude Kenny's wedding vows were intended to enforce, as well as the idea that marriage was a woman's ultimate achievement. She preferred to resign from the Girls' Industrial School after seven years, rather than submit to the Governors' requirement that she 'reform'. And again, with the disastrous events of 1878-79, she refused again and again to accept the verdicts and judgements against her.

Gertrude Kenny's class and gender precluded her from being an ideal subject. Her 'pretensions' were cruelly mocked as well. When she was overheard calling herself a 'lady' during the riot at New Norfolk, some participants hooted: '"a lady indeed – a lady!" and made a dreadful noise, yelling, laughing and shouting.'[1] In court, the prosecuting counsel had asked her why she didn't bite Dr Huston, and she had replied: 'Would a lady bite a gentleman?' He, from his secure position, had ridiculed her for trying to make them think 'that a virtuous woman stopped to think if it was a ladylike

[1] CSD 10/1/73/1801.

action'.[2] 'Virtue' to him was innate – there or not there, but for Gertrude it was a value that had to be weighed. In a society that allowed a woman little agency, a society that required her to always have a 'protector', the repercussions of biting that protector might well have seemed worse than drawing attention to his sexual misconduct, and the inevitable conclusion that would be drawn, about *her* virtue – and her unladylike behaviour.

In William Crowther, Gertrude Kenny found not only a valiant protector, but someone who appears to have recognised a kindred character. Here was a man who admired hard work, determination and ambition in a *person.* My sense is that she, too, approved of William Crowther, his attitude towards life and the kind of work he did. Both spent much of their adult lives caring for the sick and destitute. As subjects of the British Empire, William Crowther and Gertrude Kenny had opportunities for emplotment secured for them by mutually informed racial discourses and imperial expansion. And who is to say that if Gertrude Kenny had been granted the same privileges of gender and class afforded to William Crowther, she might not have found herself in the same position of striking a Devil's bargain with the Royal College of Surgeons to further the interests of her family name.

For in Tasmania the foothold of civilisation was precariously balanced; recognition and affirmation from the metropole was of great importance. Only a generation separated the elite who headed the colonial institutions from being subjects of an imperial penal machine; only three from those who invaded the island. Less than five years had elapsed since the death of Truganini, perceived as the last of a race of people indigenous to Tasmania. In the metropole the reputation of Anglo-Tasmania teetered between the Van Diemens Land that housed the detritus of the convict past and a place that had allowed the annihilation of an Aboriginal race. Those not classed as an elite had less invested in the judgement of the metropole and more in those of their fellow islanders. Gertrude Kenny, concerned with her reputation in Tasmania, threatened the 'civilised' reputation of the elite by exposing one whom they considered their own as not behaving according to their notion of an English gentleman. Although her case was a *cause célèbre*, and had an impact on the political life of 1879, no mention is made of her in the political histories of that period or the biographies of the men involved.

[2] *Mercury*, 29 July 1879.

Gertrude Kenny has refused to be contained, to be put in her place. She refused to be put in her place by the authorities of her time, and she has frequently refused to be placed by me. Much of her life is entirely unknown; her motives often beyond speculation. The being I have brought to these pages is my own construction, based on the material evidence she has left behind. I have looked at the few givens of her life and analysed the cultural circumstances that constrained and provided opportunities. I have identified her networks and examined the *re*actions of others to her actions. I hope I have given her a better hearing than she received in 1879.

George Kenney died of apoplexy at the General Hospital on March 16, 1886 aged 67. He was given a pauper's burial. [3]

George Huston retired from his position as Surgeon-Superintendent at the New Norfolk Hospital for the Insane in October 1880 but was appointed as Commissioner to the Board two years later.[4] But William Crowther did not let him rest there in peace. Not satisfied with a Royal Commission into the New Norfolk Hospital for the Insane in early 1883, he headed up his own Select Committee only months later to see whether the running of the institution was 'in accordance with the civilization of the age'. He found that the person working at the Hospital who had possessed the 'tact, knowledge, and discrimination necessary to the successful treatment of the insane' was Miss Laland, who had succeeded Gertrude Kenny as Matron. But her 'valuable services had been lost' through 'the instrumentality and unwarranted interference of Mr G F Huston'. One of Crowther's witnesses was Commissioner Alexander Riddoch, JP, who had tried to escort Gertrude Kenny from her cottage in the days after the riot. Riddoch believed Huston had fabricated a charge against Miss Laland to ensure her dismissal. 'From his personal opinion of Dr Huston's treatment of Mrs M'Lachlan [Gertrude Kenny's predecessor], — the great scandal in connection with and his treatment of Mrs Kenny, — his evident animus against Miss Laland', Riddoch said he would not recommend any self-respecting woman to work at the institution while Huston retained his position as

[3] RGD 35/10/3007/1886. Burial at Cornelian Bay (Southern Regional Cemetery Trust. Section A, site 467).
[4] Gowlland, pp. 72, 74.

Commissioner and exerted undue influence. He believed without hesitation that the nine nurses who had been called as witnesses to testify against Miss Laland had been coerced into doing so by Dr Huston.[5]

William Crowther died on 12th April 1885. He bequeathed £25 to each of his maidservants and £10 to his groom. Victoire Crowther, his executor and main beneficiary, 'absolutely disdained and renounced' her inheritance, sold Albert Terrace with most of its contents, and left Tasmania with her two unmarried daughters.[6] She lived in lodging houses on the south coast of England until her death in 1901.[7]

In early January, 1889, the Premier, P O Fysh, unveiled a statue of William Crowther in Hobart's Franklin Square. It had been cast at great expense at one of the London's finest foundries. Young & Co of Pimlico made their mark producing symbols of empire. They cast the sphinxes guarding Cleopatra's needle on the new Victoria Embankment, and the colossal figure of the Prince of Wales to uphold the Raj in Bombay:[8]

ERECTED
BY A GRATEFUL PUBLIC,
AND SINCERE PERSONAL FRIENDS,
TO PERPETUATE THE MEMORY OF LONG AND
ZEALOUS POLITICAL AND PROFESSIONAL
SERVICES RENDERED IN THIS COLONY
BY
WILLIAM LODEWYCK CROWTHER,
F.R.C.S. ENGLAND,
SOMETIME PREMIER OF TASMANIA.
BORN 15TH APRIL 1817
DIED 12TH APRIL 1885

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[5] Tasmania. Hospital for the Insane, New Norfolk. Report of the Select Committee. Legislative Council, 1883/12, I, pp. 38-39.
[6] The will was made on 19th April 1885, three days before William Crowther's death. Victoire's refusal to act as executor or to accept any of what was bequeathed to her was written and signed on 17th April 1885 and included with the probate papers. AOT AD960/1/14, p.328, Will 2984. The absence of names for the servants indicates that it was their position as his dependants that made them beneficiaries, rather than who they were. The inheritance relinquished by Victoire would have gone to the Crowther children.
[7] District of Christchurch, Hampshire. General Register Office. *England and Wales Civil Registration Indexes*. London, England.
[8] *Examiner*, 10 January 1889. £768 15s had been raised by public subscription.

For Gertrude Kenny, there is no monument, no painting, no photograph – not so much as a smudge in a group portrait has come to light. The only description I have of her is the one presented by the Attorney-General as she sat or stood, muted, in the dock at her trial:

> She was pale, emaciated, an object of pity rather than otherwise, and where would there be an appeal in her physical condition to the passions of a man? … Where was the sun-like beauty to make the man forget himself in the miserable, haggard, emaciated woman – a woman who was confined to bed with an illness of a peculiar character.[9]

After her trial Gertrude Kenny disappeared from public view; for the press she was old news. And once she had been granted her £250 she made no further appearance in the official records. There is not even a registration of death for Gertrude Kenny in the Tasmanian Archives.

Almost by accident, I found her name in an index of deaths in South Australia. Gertrude Kenny had died on 18th April 1885, six days after William Crowther. Her place of death was the Destitute Asylum in Adelaide. I imagined Gertrude Kenny, hounded out of the colony, her compensation exhausted from having to maintain herself through a long illness, forced to seek charity as a common pauper.

When I received a copy of her death certificate the details in the index were confirmed, but there was further information. She had died from the complications of a uterine tumour. But she was not, as I had assumed, an inmate of the Asylum. [10]

She was the Matron.

[9] *Tasmanian Telegraph*, 30 September 1879.
[10] Registration of Death. District of Adelaide. 1885/419.

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